

JUSTICE REVIVED:

Being the whole

OFFICE

OF A

Countrey Justice of the Peace.

Briefly, and yet more methodically
and fully than ever yet extant.

By E. W. of Grayes-Inne, Esq;

— *Vivere nemo*
Nunc sine Lite solet, nec sine Lege potest:

L O N D O N,

Printed by E. C. for Thomas Williams at
the Bible in Little-Britain, and Henry
Brome at the Gun in Ivy-lane. 1661.

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By E. W. of Gages-hunt, Esq.

London

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TO THE
READER.



I publish this
Treatise after so
many of the same
nature, may seem very

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impertinent and unnecessary to any that considers only the Titles of Books: Nor should we have attempted it, were not the eminency of the *Author*, and perfection of the *Work*, a sufficient protection against all Imputations. For though the subject be the same which have been handled by others; yet the method and exact form of working, it hath been omitted.

mitted. Whether the defects of all others are supplied in and by this, is left to thy Judgement and Determination.

Farewell.

Lincolnes-Inne,
May 6. 1661.

of

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fects of all others are sup-
plied in and by this is
left to thy judgement and
Determination.

Farwell,

London June
10. 1691

of

Of the Peaces Conservation, and the
Common Law of England.



THE Common Lawes of *England* received their grounds from the Lawes of God and Nature; the Law of Nature as it pertaineth to man, is the Law of Reason; so ancient, that this Kingdom was ruled by it divers hundreds of years before the Conqueror: Such equity and excellency is in it, that no humane Law in the world is so usefull for the happy, peaceable and honourable Government of it, and so commodious for all Degrees and Causes, whether touching Life, Lands or Goods; these Laws originally have conserved a principal care of the peace of this Land.

The Kings Majesty (by his Pterogative Royal) is the prime Conservator of the Peace in his Dominion, whose style is *Capitalis Angliæ Justiciarius*; in whom at the beginning all Jurisdiction and administration of Justice in all Causes was, he being the Fountain from whom the smaller streams had their derivation.

The power by him transferred to other men, yet is consistent in himself: For he may sit personally in any of his Courts of Judicature, as formerly other

B

Kings

Kings have done, taking cognizance of all Causes that are transacted there (unlesse his own) as he is the principal Conservator of the Peace, (if he please) he may award Proceffe against any to keep the Peace, recognizance he cannot take for the peace, because it concerns himself.

The Lord Chancellor (or Lord Keeper of the Great Seal) Lord High Steward of *England*, Lord Marshall, High Constable of *England*, Lord Treasurer of *England*, the Justices of the Kings Bench and Master of the Rolls, have in their Patents the conservation of the Peace over *England*: All these may award Precepts and take Recognizances for the Peace, *Virtute Officii*, and may upon prayer to them of the surety of the Peace grant Warrants to Sheriffs, Constables, &c. or to any or either of the Kings Officers, to bring the party before them, and take recognizance of him for the Peace, and refusing, commit him to Prison.

But it is said, the Master of the Rolls his Authority is not incident to his place but by prescription, to make proceffe. At this day, the Authority for keeping of the peace is by vertue of the Kings Commission.

The Judges of the Common Pleas, Barons of the Exchequer and Justices of Assize, within the Jurisdiction of their severall Courts, have the custody of the peace, any (before any of these) in their Courts may crave the peace, or within view, may send the Warden of the *Fleet*, or other Officer attending the Court, to bring the party before them, and take surety, and refusing may commit him.

The Steward of Pypowders, or of a Leet, in their Courts may commit him to Ward that makes an Affray in their presence, in the execution of their
Offices,

Offices, these being Courts of Record, but none of them can make Warrants.

They may take the examination of a Felon (sit in the Court) and commit to Gaole, and present the Felony at Common Law, within their precinct, or any offence against the peace, except the death of a man. *Vide Bro. Court, Leer, 1, 2, 14, 18, 22, 26.*

By the Common Law Coroners have the custody of the peace within the Country where they be Coroners, *Crompt. 6.*

In their several Hundreds by the Common Law High Constables have the custody of the peace, *Crompt. 6. & 222. 12 H. 7. fol. 18.*

Other Countreys have the same Authority as our Constables, though by other names, as in *Warwickshire*, the third Burrough in *Kent*, Borsholders, in others, Head-burrough, Burrough-head, Tything-men, or chief pledge, yet the Constables Office is distinct, and of more ancient and greater Authority then these: for, as *Lambert* sayes, of more Antiquity then Justices of Peace.

Now at this day the Constable may commit to the Stocks any that shall threaten to kill, beat or hurt another, or to other safe custody for the present, and after have them before a Justice of Peace, to finde surety, or refusing, to the Gaole, 3 H. 4. 9, 10.

The Power of a Sheriff, Coroner, Steward of Leers and Pypowders, and Justices of Superior Courts were long before the Conquest. *Coke 9 parts, the Preface.*

You may read in Mr. *Lambert* of divers that were named *Custodes Pacis*, fol. 16, 17. some called by the Kings Writ, some for lives, some during the Kings pleasure, all now obsolete.

(4)
The constituting of Justices of Peace.

King Edward 1. in his 1 Par. Ann. 3. ca. 1. hath established the peace of the Church and Land, the which peace is preserved and defended by the King, Archbishops, Bishops and Judges of the Realm, but now more especially by the Justices of Oyer and Terminer at this day, heretofore there were Justices Itinerants, to determine all causes reall and personal, and offences against the peace. *Vide Fitzh. Tit. Coron. Iter. North.*

The Annals speak of William the Conquerours making of Justices of peace in Anno 1070. quarto Regni, but they had not their being till neer 300 years after, Anno 1327. then by the Stat. 1 Ed. 3. ca. 16. Commissioners of the peace were first constituted; and 'tis there ordained by the Kings Commission, that in every Shire there should be Justices of the peace: Then their power was augmented by the Statutes of 4 E. 3. ca. 2. 18 Ed. 3. ca. 2. 34 E. 3. ca. 1. By the last Statute they had power to hear and determine all Trespasses and Felonies, in the Kings Name, in every Shire where they were Commissioners.

The first Statute that calls them Justices of Peace, is 36 Ed. 3. ca. 12. the reason that they are called Justices of Peace is, that they are Judges of Record, and Commissioners of Peace, their power being by the Kings Commission.

of

Of the word Peace, and how taken in our Law.

PEace is that quiet confidence and amity which is or should be between men; they that infringe this, break the peace, *Fitzh. Just. of P.* 12.

Peace in the Common Law is a restraint from violence and injurious dealing, and may be called rather a uniting of mindes then the restriction of hands, for so chiefly were Justices of Peace designed.

The breach of the Peace is force or violence against anothers person, in his possession, Lands or Goods, by menacing words, or furious deportment.

Justices of Peace are by Commission under the Great Seal, and are appointed by the Lord Chancellor or Lord Keeper *pro tempore*, 18 H. 6. ca. 11. Except the Justices of the Countie Palatine of Lancaster, which are by Commission under the Seal of the same Dutchy. *Vide Statut.* 27 H. 8. ca. 24.

These Commissions may be determined divers wayes, by the Kings death, *Dyer* 165. By the Kings pleasure he may discharge them by Writ under the Great Seal, or *Supersedeas*; but this doth but suspend their Authority, which a *Procedendo* doth revive, 5 Ed. 4. 32. *Br. Commiss.* 23. by leaving out their names and putting in others, *Br. Commiss.* 26, 24. 10 E. 4. 7. but then they must have notice. *Vide* 34. *Aff.* 8. *Br. Commiss.* 14.

If a Justice of Peace is made Sheriff in the same Countie, his Office of Justice of Peace is suspended during his Sherifftwick and no longer, 1 Ed. 6, 7. 1 *Maria* 8.

The reason is, because the Justice of Peace is a Judge, and the Sheriff but a Minister, it would be inconvenient that one should be both Judge and Minister; for then it would follow, the Sheriff should command himself, or as an Officer serve his own precept.

By the death of the King, the power of all Justices of Peace, Judges, Commissioners of Oyer and Terminer, Gaol-delivery, Sheriffs, Escheators and other Commissioned Officers cease; yet Maiors and head Officers in Cities and Corporate Towns, which be Justices of Peace, or have the conservation of the Peace under the Kings Letters Patents to them and their successors, have their authority continuing still, although the King dies. *Vide Br. Com. 29, 21. Dyer 165. Coke 7. 30. Br. Com. 5.* So do Constables, their authority is by Common Law, and the Peaces conservation is incident to their Office.

And so Coroners as conservators of the Peace within their Counties, the King dying, their power cease not, for they are by the Kings Writs, their Office remains till they are removed by Writ again, *4 E. 4. 44. Br. Offic. 25. Dyer 165.*

The Oath of a Justice of Peace. *Vide 1 Eliz. 1. 13 R. 2. ca. 7. Ann. 18. Ed. 3. ca. 2.*

The Oath of Supremacy and Allegiance, *1 Eliz. P. Crown 4.* it ought to be taken in the open General Sessions, *5 Eliz. cap. 1. Crompton 12. Pleas Crown, 5.*

And these Oaths ought to be taken together by *Ded. Pot.* out of the Chancery, to some ancient Justice of Peace. *Vide 1 Eliz. cap. 2.*

And if he perform not his Office, he is punishable in *Starre Chamber.* *Vide Coke 11. part 98. A.* That a man shall not be chargeable in any Court Judicial for breach of a general Oath. The

The Oath of Allegiance, *Vide 3 Jac. cap. 4.*
7 Jac. cap. 6. and is usually taken before the
 Judges of the same County whereof they are to be
 sworn Justices.

The Commission of the Peace, *Vide Dalton, cap.*
5. and the explanation thereof.

*In some cases one Justice of Peace may order
 businesses out of Sessions.*

AS Trespassers in Corn, Woods, Orchards, Hedges,
 where they are of inability to give satisfaction,
 shall be whipped.

One Justice may appoint Keepers, Watchmen and
 Searchers for persons infected with the Plague.

One Justice may appoint persons sitting to work
 in Harvest or Hay-time, and may order the abuse
 in the deceitfull making of Malts, and that it be
 sold at reasonable prices.

One Justice may in his discretion binde any
 person sitting for an Apprentice.

*What matters out of Sessions are referred to
 two Justices.*

ALL Weights and Measures, two Justices may view,
 and the defective weights break or burn them.

The Parishes in a Hundred, two Justices may
 assess for a Robbery proportionably towards a con-
 tribution.

Concerning Rogues, two Justices may dispose of
 all Forfeitures growing upon any Statute concerning
 the same.

For the relief of places infected, two Justices may take others of the County,

If any Town be over-charged, two Justices may tax any part of the Hundred for relief of the poor.

If a Master shall be assaulted by his Servant, two Justices may imprison him for a year.

It is to be observed, that where the trial of Offenders is referred to the Justices discretion, it impowers them to examine the Witnesses upon Oath.

And further it is to be noted, that the Justices now have far more power then anciently the Conservators of the peace had; for now they may convene the Offenders before them by Warrant out of Sessions, and they have a compulsive power to the observation of their Orders, but it must be according to Law; but the Conservators had no authority or jurisdiction but in some cases to bring them before them or to examine them.

If a Parish shall lie in two or more Counties, or lye within a Corporation, the Justices of the County can meddle but with that part which is within their Jurisdiction, and not with the other within the Town Corporate: For it is against Law and Reason for one to invade on the others Jurisdiction.

A Justice of Peace cannot grant any Warrant, or take any Examination out of the County where he is commissioned, nor use any authority; for being out of the County, he is out of Office. *Plowden* 37. & 13 *Edw.* 4. 8. But he may take an Oath of a party that is robbed, according to the Statute for life, 8 C. out of his County: Yet a Sheriff may out of the County where he is Sheriff make any Warrant. 9 *Hen.* 4. 1.

Where one Justice of Peace may do any act alone,

in

in execution of any Statute, two or more may do the like; but *è contra*, where two are commanded one cannot. *Vide Coke 594.*

Abjuration.

A Justice of Peace cannot arraign any upon abjuration for Felony.

Seditious Sectaries that abjure, the abjuration being made in Quarter-Sessions, shall be certified at the next Assizes. 35 *El. ca. 1.*

Seditious Sectaries abjuring in open Quarter-Sessions, ought to be entred in the Sessions Rolls by the Clerk of the Peace. 35 *El. ca. 1. 21 Jac. 28.*

Accessory before the Fact.

A Bettor, procurer, or consentor to a Felony. *Vide Stamf. 442.*

If death proceeds of beating or robbing, he that commands such an evil act is accessory to the Felony.

He that commands one Felony whereby another ensueth, is accessory to the second.

It is Felony in the commander, though committed in another manner as to time and place.

If an Act do ordain that to be Treason or Felony which was not at Common Law, and speaks not that the consorters, consenters, aiders and abettors shall be Felons, yet it is felony in them that do it.

Who no Accessary.

THe knower of a Felony, without consenting, yet concealing it is fineable.

If one command a fact to be done, and countermands it before it be acted.

One counselled to poyson *A.* gives it to *A.* and *B.* the counselled is not accessary to the murder of *B.*

If he that is commanded, commits more then was commanded, the commander is not accessary.

If he commit Felony on another person, the commander is not accessary.

He that is neither party nor privy, yet is present at a Felony, and doth not disturb it nor pursue the Felon, is fineable,

Accessary after the Fact.

A Receiver of stolen Goods, knowing them to be stolen, is accessary to the Felony, but he must receive the Felon also.

He that receives a Felon knowing him to be one, and suffers him to escape, whether before or after Attainder, is an accessary.

He that receives or comforts a Felon, with an evil intent, is an accessary.

He that arrests a Felon upon a *Huy and Cry*, and taketh the goods and lets him go, is accessary.

He that shall pursue his own goods, & takes money of him not to give evidence against him, whereby he is freed, is accessary.

He that knowes of the receiver or comforter of an accessary.

He is a Felon that receiveth his own Brother and knowes him to be a Felon.

A receiver of an approver or one attainted or outlawed of Felony, knowing thereof, is an accessary.

If one harbour one attainted in the same County, he is an accessary.

But *Lamb. 293.* holdeth it reasonable that he first have knowledge of such a Record.

Who is none.

THe Wife receiuing the Husband, knowing him to be a Felon, she is not accessary nor fineable.

One that pursues a Felon for his own Goods, taketh them again, and lets him goe.

He that relieves one bailed for Felony.

A receiver of the striker of the stroke after the stroke and before the death.

One may be an accessary to an accessary, if he comfort or feloniously receive an accessary.

A suiter by writing or word for a Felons deliverance, knowing thereof.

Who is a Principal.

They that are his companions, and present at the fact, though not actors.

They that shall receive, procure, or abett the taking away of any woman, knowing her to be taken away contrary to the Statute, 3 *H. 7. ca. 2.*

He that is accessary in one County to a Felony done in another County, may be indicted where he becometh accessary. 2 & 3 *Edw. 6. ca. 24.*

If the Indictment say that he received the Goods, it is no good Indictment without he say he received the Felon.

*Of a Fray and Affrayers,
Vide Assaults infra.*

Without word or blow an Affray cannot be made, as to have or wear Armour or Weapons not usually born.

Unless there be some attempt, as with a weapon or stroke given or offered to be given.

The Constable may come to the house where an Affray is, and if the dores are shut he may break into the house to keep the Peace.

Untill there be weapon drawn or blow given, a Constable cannot lay hands on any.

A Constable may pursue the Affrayers flying into another house in a Franchise, or other County, but he cannot meddle in another County but as a private man.

The Constable may command the Affrayer to a-voyd upon pain of imprisonment, if the Affray be great, he may make Proclamation, and command the parties to Prison, but he must deliver them without fine.

Of Ale-houses and Ale-house-keepers.

AN Ale-house-keeper must be licensed by two Justices, whereof one must be of the *Quorum*, and for the keeping of one orderly house he must enter into sufficient security, 5 Edw. 6. ca. 25. If he hath forfeited his License by ill government, he shall not be licensed again but in open Sessions.

If any shall presume to keep an Ale-house unlicensed, his punishment is to be committed to Gaole without

without Bayl, and after to give security nor to offend so again, § *Edw. 6. ca. 25.* You may see the Condition for a Recognizance in *Lamb. 354.* the fee one shilling.

It shall be a sufficient Conviction against the Offender, the information of the Offence, and the Recognizance taken by two Justices, one of the *Quorum*; Of an Ale-house that is kept against the Statute, § *Edw. 6. ca. 25.* to levy the penalty of 20 s. without any further triall or proceffe.

Where any hath informed the Justices that one hath forfeited his Recognizance, there the Justices may award proceffe for the Delinquent to come in to shew cause to the contrary. *Vide* what Proceffe in *Lamb. 524, 529.* And this must be done at the Quarter Sessions, § *Edw. 6. ca. 25.* and those fines that are by the said Statute cannot be altered by the Justices.

Those Justices that certifie not the Recognizances by them taken at the next Sessions, forfeits five Marks.

That Brewer that shall sell either Ale or Beer to any unlicensed Ale-house-keeper, forfeits for every Barrel 6 s. 8 d. more then for his own households provision, and the penalty is to be levied and disposed of according to the Statute 4 *Jac. 4.*

If an Ale-house-keeper shall permit any to tipple contrary to 1 *Jac. 9.* or 4 *Jac. 5.* 21 *Jac. 7.* the Ale-house-keeper loses 10 s. the Tippler 3 s. 4 d. for inability the Ale-house-keeper goes to the Gaole till payment, if distrained, the distresse sold within six dayes. *Vide* 1 *Jac. 9.* The Tippler is to sit in the Stocks four hours, 4 *Jac. 5.* 1 *Car. 4.* The Justices may administer an Oath to witnesses, and one proves it sufficiently, 21 *Jac. 7.* 1 *Jac. 1 Car. 4.*

How

How Inn-keepers and Ale-house-keepers are compelled to lodge Travellers, you may read in *Ann. Dom. 1642.* in Sir James Leys speech, that he that shall deny to lodge any Traveller, may be indicted, fined, or imprisoned, or the party grieved may bring his action of the case. *Vide 4 Hen. 7. 22.* Yet the Ale-house-keeper or Inn-keeper is not compelled to sell them Victuals or finde Lodging till first payment. *Coke 9. part 87. 5 Edw. 4. 3. 10 Hen. 7. 8.*

The Constables or Church-wardens refusing to levy the penalties or fines assessed as aforesaid, within twenty dayes after such fine imposed, shall forfeit to the use of the poor 40 s. by Warrant to be made by any one Justice, to be levied by distresse, and within six dayes after such distresse sold, the over-plus is to be restored, and for want of distresse to be sent to the common Gaole untill payment of the forfeiture.

That Constable, or any other inferior Officer that shall sleight or neglect to serve any Justices Warrants for the penalties of Drunkenness, forfeits 10 s. to the use of the poor. *Vide the levying of it in 4 Jac. 5.*

Any two Justices, whereof one of the *Quorums*, may license a common Ale-house, taking bond for good rule and government in their houses, and their using no unlawfull gaming in their house.

If she that is married shall keep an Ale-house contrary to the will of her Husband, unlicensed, the Wife by the discretion of the Justices may be imprisoned untill she finde surety for her good behaviour, and not offend again.

The Statute does not prohibit the sale of Beer or Ale in any Fair, though the party be not licensed. *Vide 3 Car. 3.* The

The Justices, or any two of them, may license Labourers upon occasion to be in Innes and Ale-houses, taking their diet and lodging, and following their Vocations.

The Inn-keeper is punishable in the like condition as the Ale-house-keeper, for they are appointed for travelling and wayfaring men, *Coke 8. part 32.*

Those Innes that have been erected since the Statute 5 *Edw. 6. ca. 25.* and not Innes before, must have Licenses and be bound as Ale-house-keepers.

Any man might anciently keep an Inne, for they were but Hosteries by the Common Law, so he were of good fame and reputation, dwelling in sitting places, yet not worthy to be licensed under the Great Seal.

He that shall make a voluntary confession before a Justice against the Statute 1 *Jac. 9. 4 Jac. 5.* is a sufficient conviction, and then his Oath shall be taken for to convince any other at the same time. 21 *Jac. ca. 7.*

Ale-house-keepers that are disabled and unlicensed shall not keep an Ale-house within three years after, if they be licensed by any Justices, yet *ipso facto* it is voyd.

There be divers causes that disables an Ale-house-keeper, and unlicenses him.

He must sell a quart of his best Ale or Beer for a Penny, or else he forfeits his License, if he suffer any to be tipling contrary to the Statutes, if he be a man drunken and of a disorderly life and conversation, if he be convicted in any of these particulars, either at Sessions, Assizes, Leet, or in any other Court, before any Justice upon oath, he is disabled to keep a common Tipling-house till three years after.

If

If within the view of any Justice confession or oath, any be convicted, his forfeiture to the poor is 20 s. to be levied by distresse, which is within three dayes to be sold, by a Warrant from a Justice; if no distresse, and not payd within six dayes, the party is to be whipped as the Justice shall please to limit and appoint. *Vide le Statute 3 Car. ca. 3.*

None are enabled to keep an Ale-house if they are retainer to any man or Bailiffe of a Hundred or Liberty, or a Constable, or not of good fame or repute, conversation or government. *Vide Fitzh. Nat. br. 172.*

No person using any Trade that takes away the means, and so the life of another, yet by the common Law there is no restriction, but it is now prohibited by many Statutes.

Of Amerciaments.

HE that hath a Beast and knoweth it to be hurtfull, it is Felony in him that keeps it, and he shall be arraigned for the death of any that it kills, and he shall be amerced to the King.

Two Justices, one of the *Quorum*, by the command of the *Custos Rotulorum*, or in his absence by the eldest of the *Quorum*, shall punish Sheriffs for collecting more upon their Estreats then is due. *Vide le Statute 11 Hen. ca. 19.*

That Sheriff that shall estreat any thing but by Indenture between two Justices appointed for the perusal of Sheriffs Books, being under the Sheriffs Seals, forfeits 40 s. *Per idem Statutum.*

If the summons for the Quarter-sessions is in one place, and it be kept in another, or any amerciaments are for default of appearance, and the Sessions

nos

not summoned by precept, there shall then be no amercement, or if the Sessions were summoned at twelve places the appearance may be at one.

A Justice of Alsise may amerce a Justice of Peace being absent from the Gaol-delivery, but at the Quarter Sessions one Justice of Peace cannot amerce his fellow Justice.

For the default of appearance at Sessions the Clerk of the Peace, Coroners, Sheriffs, Bailiffs of Franchises and Constables may be amerced, and Jurors may be amerced for concealing, 3 Hen. 7. cap. 1.

Appearance.

A Recognizance will discharge for ever the appearance of the next Quarter Sessions taken for the Peace against all the Kings people to appear at the next Sessions by *Supersedeas* out of the Chancery testifying surety found there against all the Kings people, but if it be untill a certain day, not.

Appeal.

NO Appeal can be taken by any Justice of Peace for Felony, yet it is made a Question;

Apprentices.

Where a complaint of an Apprentice, is, one Justice may take order between his Master and him; and if he finde a default in his Master, he may binde him to the Quarter Sessions to answer it; but the Apprentice shall not be discharged without the order of four Justices; and if the fault appear in the Apprentice, the Justice may send him to the house of Correction,

(10)
rection, and where one is fitting to be bound and refuse, he shall be committed till he will be bound,
9 *Eliz.* 4.

Those that have sons or daughters not being able to maintain them, two Justices with the Churchwardens and Overseers may binde them Apprentices, the sons till 24 years of age, and the daughters till 21. 39 *Eliz.* cap. 3 43 *Eliz.* cap. 2. 21 *Jac.* cap. 28.

Where money is given for the placing of Apprentices, the nomination and placing must by the Corporations; in Towns not Corporate by the Parson, Vicar, Churchwardens and Overseers *pro tempore*, and to be disposed of according to the will of the Donor, &c. And if any that hath the disposition doth refuse, he shall forfeit 3 l. 6s. 8 d. one half to the poor of the Parish, and the other to the Informer, 7 *Jac.* 3.

There must be Bond taken with two Sureties of such Master or Mistris, as takes the Apprentices by the disposers of the money for a repayment at the end of seven years or three moneths after: if the Apprentice die within seven years, then it must be repayed within one year after their Master or Mistris death, 7 *Jac.* cap. 3.

Those that have the disposition of the money in case the Master or Mistris die within the seven years, are to put out the Apprentice to some of the same Trade to serve out the residue of his time: *ubi supra*, and the money given for placing Apprentices is to be employed within three moneths after the receipt, *ut supra*; and none above the age of fifteen years shall be placed by the disposers, and that they must be of the poorer sort; if no such, then they may chuse of the next Parish.

Any that have the disposition of moneys for the binding

binding of Apprentices, must make their Accompt before the two next Justices in Easter week, or within a moneth after, and within ten dayes after that the Accompt is made, must deliver all such Moneys as are in their hands to those that shall succeed them, 7 Jac. ca. 3.

He shall be accompted no Apprentice that is not by Indenture, and the word *Apprentice* must be expressly named.

Those that be grieved, by an Act of the Commissioners upon a bill in Chancery shall be relieved against the breakers of trust for the disposing Moneys given for Apprentices, and are to be examined, and to be redressed by Commission out of the said Chancery, returnable within three moneths, 7 Jac. ca. 3.

Where the Parents of an Apprentice may dispend 40 s. Freehold, and he is bound to a Merchant, Draper, Mercer, Ironmonger, Clothier, Goldsmith or Embroyderer, there shall be a Certificate under the hands and seals of three Justices where the Land lyes, 5 Eliz. ca. 4.

No Apprentice shall be discharged without order of four Justices in open Sessions, and that discharge shall be inrolled by the Clerk of the Peace, 5 Eliz. ca. 4.

The Master shall cloath the Apprentice, though the Apprentice doth depart from him.

Any that hath half a Plough Land in tillage, may take an Apprentice from 10 years to 18. to serve him in Husbandry, but it must be by Indenture, 5 Eliz. ca. 4.

Of Approvers.

IT is Felony in the Gaoler of any Prison that shall compell any of his prisoners to become an Approver or Impeacher, neither can any Justice of Peace take any Appeal of an Approver, 14 Edm. 3. ca. 10. Stamford 144. A.

And if that any Felon accuseth another, a Justice may take his confession, and reprieve him, and then proceed against the other.

Of Archery.

THE Statute of the 33 Hen. 8. ca. 9. may be required of, heard and determined by the Justice of Assize, Gaole-delivery, and of the Peace, and Stewards of Leers, and they may by their discretion examine all persons not having a Bow, Arrows and Shafts, according to this Statute, being under 60 years, or not a Bow and Arrowes in his house, or have not used Shooting, and every man-childe not a Bow and two Shafts between 7 and 17 years of age, loseth overy Moneth 6 s. 8 d. *Vide* the Statute of 33 Hen. 8. ca. 9.

Of Armour.

ANy that shall ride or go armed offensively before the Kings Justices or any of the Kings Officers or Ministers, doing their Office, or in any publick manner, as in Fairs, or elsewhere (by night or day) in disturbance or Astray of the Kings people, the Sheriff or any other of the Kings Officers, and every Justice of Peace upon his own view, or upon complaint

plaint may cause them to be stayed or arrested, and may binde such to the Peace or good behaviour, or for want of Sureties may commit them to the Gaol, and the Justices and Constables may seize their Armour and weapons, and cause them to be prised and answered to the King as forfeited, 2 *Edm.* 3. *cap.* 3. 7 *R.* 2. 13. 20 *R.* 1. *cap.* 1. *Lanc. Office of Consta.* 18.

Any that shall carry charged Pistols Daggs, or Guns, or arrayed with privy Coats, the Justices may take away such weapons, and make them finde Sureties for the Peace, yet the Sheriffs and their Officers, and other Ministers in the executing the Kings Process, the Kings servants in his presence, all others in pursuing a Hue and Cry against any Felon, or any other offence against the Peace, may wear Armour or weapons. 1 *Edm.* 3. 40. *Coke* 572.

The Justices of Peace may command all weapons to be taken from Prisoners that come before them.

Of Arrests.

AN Arrest is a certain restraint of a mans person, depriving it of its own will and liberty, and binding it to become obedient to the will of the Law.

All Lay persons under the degree of a Baron or Peer of the Realm, are subject to an arrest.

Ecclesiastical persons not attendant upon Divine Service, may be arrested for the peace.

Constable, or Justice of Peace coming to arrest an Affrayer, if he flie into another house, they may in fresh suit break open the dore, and take him: So if he flie into another County.

Assaults and Affrays.

IF a man that hath a mortal wound, or very dangerously hurt, yet the Justice may bail the offender; but the safest way is to commit him till hopes of recovery.

An assault made upon a Justice of Peace, or Constable, they may defend themselves, the Justice may have them committed, the Constable may commit them to the stocks, and after have them before a Justice.

Any affray made in a Town Corporate having Justices within it self (during the Sessions there held) the County Justices shall not meddle there, but at the Assizes it is otherwise; for the Judges may.

If any man make an affray, the Constable ought to arrest him and carry him to the Gaol, or before the next Justice to find Sureties to appear at the next Gaol-delivery; if he resist, the Constables may justify the beating him, if he will not obey the Arrest, 38 Ed. 3. 8. 11. *Bro. Faux. Impri.*

But after the affray, the Constable cannot arrest without Warrant, except some person there be in peril of death by some hurt there received, 31 Hen. 8. *Bro. Faux Impr. 6.*

If the Affray were in the presence of a Justice of Peace, after the Affray he may commit the offenders till they find Sureties, if it were not in his presence upon complaint or in his own discretion, he may make his warrant till they finde Sureties for the Peace, 9 Ed. 3. 4. 3. *Cro. 195, 198.*

Every one that in the presence of a Justice of Peace shall strike another, or but threaten to hurt another,

another, the Justice may (in his discretion *ex Officio*) binde him to the Peace.

Whosoever shall mortally hurt any other, the Justice may commit him to the Gaole within the year and day after the hurt received, there to remain till the year and day be expired, or else to finde Sureties to appear, if the party happen to die within the year after the hurt, *vide Stat. 3 Hen. 7 cap. 1. and Exodus cap. 21. 18, 19.* if he do recover, the offender shall pay for the hurt, losse of time, and healing, *ibidem.*

Attainder.

ONE attainted of Felony may be arraigned for Treason committed before or after the Attainder.

One attainted upon an appeal of robbery may be arraigned upon an appeal of robbery at anothers suit.

One attainted of Felony, by standing mute, may after be arraigned of another Felony.

One attainted of Felony, cannot after be arraigned for another Felony, so long as the first is unpardoned, unlesse it be in the cases before.

After the attainder, the Felons Grant of Goods or Lands, bindeth all persons, except the Landlord, to whom they escheat.

Indictment is, when an offence is found by the great Inquest, or other Jury of Inquiry.

Conviction is, when the offender is found guilty by a second Jury, having put himself to trial.

Attainder is, when after such conviction judgement is given against the offender.

Averrement.

NO man shall be received to averre or speak against a Record.

Of Barretors.

A Common mover, or stirrer up of Discord between the Kings people, or maintainer of Suits, in Law, or else any quarrels in the County, is a Barretor, 2 *Edw.* 4, 5. *Coke* 8. part 36. Such may be bound to the Peace or to the good behaviour, as the Justice thinks fit.

In Court all such are Barretors, that in any Court of Record, inferiour Courts, as County Courts or Hundreds, shall maintain or stir up others to commence unjust or feigned Suits, or Informations upon penal Laws, or maliciously purchase any *Supplicavit* of the Peace, to make any to yield to their composition, these are Barretors.

There are divers sorts in the Countrey, such as are common quarrellers or fighters in their own cause, or common movers or maintainers of Quarrels between others, or common detainers by subtilty, or force the goods, possessions, houses, Lands or any thing else in question or controversie: likewise such as are the inventors of false news, which causeth strife to arise between neighbours, these also are Barretors, *Coke* 8. part 36.

If one be *communis seminator litium, vel oppressor vicinorum*, either by wrangling or unjust Suits or deeds, is a Barretor,

Of

Of Bastardie.

A Childe born before wedlock is a Bastard, *Mer-*
ton c. 9. 20 Hen. 3.

He that is suspected to have begotten a Bastard childe, the Justice may binde to the good behaviour, that he may be forth coming at the birth of the child, otherwise there will be no reputative father when the childe shall be born, according to the Statute of 18 *Elix. 3.*

Two Justices of the Peace may take order for the punishment of the mother, or reputed father (one being of the the *Quorum*) of the Bastard childe, and for the relief of the Parish where it is born by payment of money weekly, 18 *Elix. 3. 21 Jac. cap. 2.* and 3 *Caroli 4.*

If the Justices order be not obeyed by the Parties, they shall suffer imprisonment without Bail, except security be given to perform it, or appear the next Sessions.

The mother may be examined upon oath concerning who is the father, because the chief trial and testimony depends upon the mother.

If a Bastard childe be dead born, its murder is the mother of the Bastard to conceal the death of it, unless she can prove by one witness it was still-born, 21 *Jac. 27.*

All Justices of Peace within their several limits may do and execute all concerning the Statute of 18 *Elix. 3.*

The Woman shall not be sent to the House of Correction till after delivery, nor are the Justices to meddle with the woman till the Childe is born, and she strong again: For about 31 *Elix.* a Woman
 great

great with Childe, and suspected for Incontinency, was in *London* whipped by the mandate of the Masters of *Bridewell*, which occasioned her travell and delivery of her Childe before her time; for which they were fined to the Queen in *Star-chamber* in a great sum, and to pay Money likewise to the Woman.

Note that the Childe that is born 11 days after the 40 Monerhs, after the death of the Father, shall not be judged a lawfull Issue, *Co. lib. 123. 2 Esdras 4. 40, 41.* And so likewise of an Infant, where the Woman shall charge the man to have Carnal knowledge after the forty monerhs, such Infant shall not be judged or repured to be the Issue of such man.

The Justices may send lewd women that have Bastards, that may be chargeable to the Parish, to the house of Correction, there to be punished and set on work for a year, if she offend again; then to be committed to the House of Correction, not any more to offend, and finde Sureties for the good behaviour.

This Commitment to the House of Correction must be by two Justices. *Vide Statutes 18 Eliz. and 7 Jac.*

Of Baylment. 3: 80: 1: 15:

23. 4. 6

THE Common Law tells us, the Sheriff and every Constable, being conservators of the Peace, might have bayled one that was suspected for Felony; but this power is taken from them by the Statute 1 *Rich. 3. cha. 3.*

The word Baylment is one put to mainprize or Sureties, or the delivering a man out of Prison before he hath satisfied the Law.

Ac-

According to *Crompton* it is the delivering of one into the hands of his Sureties to be kept.

Upon prayer to the Justice of the Sureties doubting of the Prisoners escaping the Justice may discharge the Sureties, committing the party to prison.

Or the Justice may require sufficient Bayl.

If it be Felony, it is needfull to take two Subsidymen.

Not to bayl a prisoner baylable, is fineable.

It is an escape in the Justice to bayl one not baylable.

Likewise a Justice of Peace that shall bayl one contrary to Law, or not certifying the bayl, and the Felons examination, is fineable by the Justices of Assize.

In what Cases not Baylable.

Where one is convicted of Felony, praying Clergy, and is reprieved.

One that hath abjured the Kingdom.

One taken upon processe of Rebellion out of Chancery or Starre-Chamber.

One guilty of the death of a man, if he be principal.

A Counterfeiter of the Seal.

A Traitor to the King himself.

One attainted or convicted of Felony.

He that falsifies the Kings Coin.

One that is accessory to two Felonies, if the principal be Attainted.

He that breaks Prison.

He that is a known Thief, and attainted.

A Thief taken in the manner.

One

One guilty of House-burning feloniously.
 One appealed by an Approver.
 An Approver or Appellor.

*Offences that cannot be Bayled by a
 Justice of Peace.*

One known to have killed a man,
 Murder or Homicide.

Where a Justice of Peace can hear and determine, there he may bayl.

For killing and being taken in the act.

By the King or Privy Council.

By the absolute, not ordinary power of the Kings Justices.

Trespassing in the Forrest, *Westm. 1. ca. 15.*

If the accused confesse the Felony.

One imprisoned for Surety of the peace, *23 Hen. 6. ca. 6.*

Wherein Bayl may be taken.

*may be taken
 for bond by
 30. 1. 15.*
When accused of homicide not felony, a man is baylable.

Accessaries to felonies are baylable.

Except he plead *Not guilty*, or other plea, he is baylable.

If he be of good reputation and fame, untill the principal be convicted or attainted, but after the Attaint, he is not baylable.

One attached by Sessions, Process, or by Indictment of Trespass, by one Justice, may be bayled to appear to answer the Indictment, and may have his *Superfedeas de Cap. Indict. & exigent.*

Bayl-

Baylments that require two Justices, one of the *Quorum*, the Justices must be at the baylment, and must examine the Prisoners before the taking of bayl, and take information of them that bring them, and put in writing, all signed with their hands, and certifie the same at the next Assizes for the County, 1. & 2. P. & M. ca. 13.

One accused of homicide, not being Felon.

Any imprisoned upon Sessions, Process, upon penal Lawes, not forbidding bayl, are baylable out of Sessions by two Justices, one of the *Quorum*, Lamb. 348.

If one be acquitted of murder or man-slaughter, at the suit of the King he is baylable during the year, 3 Hen. 7. ca. 1.

One taken for light suspicion.

One indicted of petty Larceny, not formerly guilty of another.

He that is charged with receiving Thieves.

Where a Trespasse is committed, and is not charged with the losse of life or member, *Westm. 1. 15.* or if not prohibited by some Statute.

The Justices have power to binde over all that can give evidence to the next Assizes, to give their evidence against the offender, at the time of tryal.

Upon the Offenders solemn conviction, some Statutes give power, not only to take bayl after Judgement, but likewise upon the Record of two Justices, or by proof or examination of witness, Lamb. 349. The manner of baylment, *Vide Lamb. 352.* The form of the Librate, *ibid.*

Just Duty in Baylment 2. 2. 3. P. & M. ca. 10

Of Bayliff.

That Bayliff of a Hundred that in the Sheriff's Court doth not execute a Warrant, loseth 40 s. *Vide le Statute 11 Hen. 7. c. 13.*

It is false imprisonment for a Bayliff to arrest one, and after to procure a Warrant, *Coke lib. 5. 39. B. Hostens Case.*

The Bayliff was punishable in *faux Imprisonment*, if he did compell the party to go before any Justice but that he chooseth; but now it is otherwise.

If a Bayliff arrest one by Warrant for the Peace, and the Justice will not binde the party, no action lyeth against the Bayliff, because it is in the prosecution of Justice.

The Oaths of Supremacy, 1 *Eliz.* and the Oath touching their Offices, 27 *Eliz. c. 12.* shall be given by two Justices of Peace, one being of the *Quorum*; and they shall give to Bayliffs of Franchises their Oaths.

Of Bawdery.

Those that keep Bawdy-houses are to be bound to the good behaviour.

Bawdery soundeth somewhat against the Peace, and is not meerly a spiritual offence.

The Constable being informed that a man and woman are going to a suspected place, being of ill fame, to commit incontinency, may take company to search the house, and so finding them, may commit them to prison, or carry them to a Justice to be bound to the good behaviour.

of

Of Pewter and Brasse.

NO Pewterer or Brasier shall sell or exchange Pewter or Brasse, but in open Market or Fayre, or in his house but upon the desire of the buyer, upon pain of 10 l. for every offence, 19 Hen. 7. ca. 6. 4 Hen. 8. 7. This is inquirable in the Sessions.

All hollow Wares or Merals (then the Assize of Metal wrought in London) not setting their Seal, lose their Metal: At Michaelmas Sessions the searchers must be appointed by the Justices, 19 Hen. 7. ca. 6. 4 Hen. 8. ca. 6.

Of Good Behaviour and Breach of Peace: Vide Good Abearing and Behaviour.

THe party shall be put to his fine without Traverse, upon a Justice of Peaces Certificate into the Kings Bench.

The forfeiture of the recognizance for keeping the Peace is made by any breach of the Peace.

He that shall threaten one to his face to beat him to whom he was bound, the Peace is broken, or in his absence, if he wait to do it.

The Peace is broken by procuring any one to do an unlawfull act, if it be done afterwards.

To commit Felony or Treason, Menacings, Assaults, Affrayes, violent handlings, entreatings, Battery and malicious strikings, Imprisonment without Warrant, or to ravish a woman, or the like; is a breach of the Peace.

✓ If any violence shall be offered by a Commoner, Tenant or Farmer, in threats or blowes.

What

*What is no breach of the Peace,
or Behaviour.*

TO beat one with rods that is mad, with an intent to reclaim him.

A Schoolmaster, Gaoler or Master, with moderate correction may chastise those under their command.

For the better execution of their Office, a Constable or Officer may strike.

To repulse violence offered to ones self, child, master, wife, or father and mother.

In the Kings presence, or by his command to hurt or kill one at Fence, Play, Tilt or Barriers in the Kings presence, or by his command.

In ones own preservation, or defence of ones goods. And *Crompt.* sayes, that the Master may beat him that doth assault his servant.

To take ones goods wrongfully, if not from ones person, his Recognizance is not forfeited.

To trespassed in anothers Corn, no breach of the Peace.

The Peace is not broken by beating, wounding or imprisoning any man in the defence of his person, but he must flye as far as he can to save bloodshed.

But it is a breach of the peace, with force from the person of another, or in his presence to take a Dog, or any thing else of pleasure.

Of Bridges.

HE that is bound to repair a Bridge, must maintain it at both ends.

He that is to repair the Arches of a Bridge, if the Buttresses be decayed, he must follow the course of the water, and must repair the High-way, and may lay stones or other materials upon the land adjoining, without leave of the owner, because it is *pro bono publico*.

If a common Bridge lye within a Franchise, they must repair it.

If it lye in several Counties, both must repair it.

If it be in a Corporation, the Hundred shall not be chargeable.

Where the party or Land is chargeable to a Bridge decayed, the Justices may award process.

The Heirs and Successors shall be concluded for the making of a Bridge, where a man or his Ancestors, or a Corporation, used time out of minde to make it, though they did it freely at first, or upon courtesie. Prior of *Stokes* case.

If it cannot be known who, or what land is chargeable for the repair of a Bridge, four Justices, one of the *Quorum*, may tax the Inhabitants, and make Collectors, and appoint Surveyors, and take accompts of them; if they refuse, they may make out process against them, Attachment or Warrants, returnable at the Quarter-sessions, and tax costs for the Collectors and Surveyors, 11 Hen. 8. ca. 5.

A common Bridge is for the common ease of the whole County, and must be attended by them. Yec

if any have fishing in that river, he shall be chargeable.

Of Buckstalls.

THe Statute 19 Hen. 7. ca. 11. sayes, that one that hath offended against this Statute concerning Buckstalls and Deer-hayes, is to be examined by two Justices at the Quarter Sessions, and if convicted, though by his own examination only, to be sent to the Gaole till he finde surety for the forfeiture, 9 Hen. 7. cap. 11. the Justices that examined the Offender to have the tenth part.

Of Buggery.

IT is Buggery to lye with Man or Beast, and is Felony, without Clergy. 25 Hen. 8. ca. 6.

Of Burglary.

Burglary is when one with an intent to commit Felony, doth break the gates of a City, walled Town, Church or house, though he take not any thing away with him.

It is accounted Night from Sun-setting to Sun-rising.

What shall amount to Burglary without an actual Entry.

Breaking the Glasse-window, and hooking out of Goods.

Turning the key, being on the inside.

Putting

Putting back the leaf of a window.

Making a hole in the wall, and shooting in at the window.

He that shall discharge a Gun at any one, the dore being open, by putting his hand over the threshold.

He that shall put any in fear, whereby they cast out their Money, and he carry it away.

When the house is not broke.

One entring and the rest standing about the houses or not far off.

The servant conspireth with the thief, and opens the dore, and the thief entreth.

When they rob the owner upon pretence of being robbed themselves by the help of the Constable.

To come down a Chimney.

To have a false key, and so come in.

The place that makes Burglary.

A Dwelling house, if any be within a Church walls or gates of a City or Town walled.

If the Family be for part of the night abroad, and in the mean time the house is robbed.

Though no body be in the Colledge or Inns of Court, to break a Chamber there, it is felony.

If a man hath two houses, and dwells sometimes in one and sometimes in the other, and hath servants at both which are abroad in the night, the house is robbed.

He that shall break a Stable or Barn near a dwelling house with an intent to steal.

He that shall rob a back house; yet *Dalt. 255.*

D. 1

pur

purs a Quere to enter a house with an intent to ra-
vish one.

It is Burglary in an Inn-keeper that shall break
into the guests chamber with an intent to rob him,

What not Burglary.

If one hath an intent to beat one enters the
house.

He that shall break an house, and depart without
entring, *Lambert 26.21.* but it is felony, *ibid. 261.*
It is not Burglary in one under fourteen years, *Dal-*
ton 259.

Nor in poore people that steal for hunger under the
value of 12 d.

Nor in *Non compos mentis* or naturall fools.

*What burning of houses, &c. is Felony,
what not.*

Burning of a Stack of corn feloniously.

Where a man shoots in an hand Gun unlaw-
fully, and setteth anothers house on fire, it is fe-
lony.

Where one hath an intent to fire anothers house,
and part is burnt, and the other quenched, it is Fe-
lony.

It is Felony where any burning shall proceed from a
former maliciously.

It is likewise Felony to burn a Barn though empty
in the night feloniously nigh a dwelling house.

All malicious burning of houses being inhabited,
or Barns with corn, is Felony.

Of Butchers.

A Butcher killing any weaning Bullock, Steer, or Heifer under the age of two years, forfeits six shillings eight pence.

Killing Calves for sale under five weeks forfeits the like sum.

The warring of any Hide in any moneth except June, July, or August, loseth 3 s. 4. d. a Hide.

The gashing a Hide whereby it is hurt forfeits 20 d.

Of Butts.

THose in any Town, that shall not continue their Butts as they ought, are to lose every three moneths 26 s. *vide le Statute 33 Hen. 8. cap. 9.*

Of Captains and Mustering.

IF a Muster Master shall take any gift for acquiring any from service loseth ten times the value taken, or 20 l. 12 Ed. 6. cap. 2.

If any Captain having the Charge of men for War, and keeps back part of their pay, loseth to the Souldiers thrice as much as is not paid, or to gain a License for any to depart loseth ten times so much as they gain, 2 Ed. 6. *ibidem.*

Of Cartel.

HE that shall buy live Cartel, as Oxen, Steers, Runts, Kine, Calves, Sheep, Lambs, Kids and Goats if sold in five weeks after, loseth double, 5 Ed. 6. cap. 4.

Of Certificates.

One bound to the Peace at his day of appearance makes a default, the Recognizance with the Record must be certified into the Exchequer, Kings Bench or Chancery.

At the Sheriffs turn, or Law-day, Indictments there found, must be certified at the next Sessions, 1 Edw. 4. ca. 2. Penalty 40 l.

Upon the Letter of the Justice, the Clerk of the Crown must certifie what persons have been outlawed of Felony, Clerks convicted or attainted, *Vide le Statute 34 Hen. 8. ca. 14.*

Recognizance and Release of the Peace must be certified the next Quarter Sessions, 3 Hen. 7. ca. 1. No penalty by the Statute, if the Justice do nor.

The Clerk of the peace ought to certifie the transcript of all Attainders, Outlawrys, or conviction before the Justices within forty dayes after the Attainder if in Term; if not, twenty dayes after the beginning of the next Term, on pain of 40 s. 34 Hen. 8. ca. 14.

The *Custos Rotulorum* of the County where one is attainted as principal felon, upon the Letter of the Justices of Gaole-delivery of another County, must certifie what is done with the principal. 1 Edw. 6. ca. 24.

Indict-

Indictments must be certified into the Kings Bench, where the Justices have no power to proceed upon them without a *Certiorari*.

If there be any presentment of one attainted of Felony in anothers house, it must be certified into the Kings Bench, or Exchequer.

If the Justice certifie not the Recognizance of an Alehouse keeper at next Quarter Sessions after taking, he loseth five Marks, 5 *Edm. 6. ca. 25.*

Certiorari.

THE nature of a *Certiorari* is to remove an Indictment or a Record, that it may be fully heard when the Justices cannot proceed, or to reverse it where they have proceeded erroneously.

There is no need to set down the cause of removing concerning matters of the Crown.

If a *Certiorari* issueth out of the Chancery, the Records are thither removed, and sent by *Mittimus* into other Courts.

A *Certiorari* may remove either the Tenour, or the Record it self.

The *Certiorari* must bear date before the Indictment was taken.

That which authorizes the Justices, must not be omitted in the Certificate of the *Certiorari* to make the Record, neither ought to certifie more then the Certificate warrants by Law.

If that the *Certiorari* differ from the Record, the Justices need not certifie.

If a *Certiorari* come to the Justices, to send up the Indictment of *A.* although others be joynly in the Indictment, they need not certifie any but *A.*

Where a force is recorded before them, a Justice

may send the Indictment into the Kings Bench without a Certiorari upon a Recognizance for the Peace, but not if he be put out.

No bills of Indictment for a Riot, forceable Entry, Assault or Battery found at the Quarter Sessions, shall be removed by Certiorari, but must be delivered in Quarter Sessions; and unless the Indicted will be bound to the Prosecutor in 10 l. with such Sureties as the Justices shall think fit, within a Moneth to pay to the Prosecutor such costs and dammages as the said Justices shall allow, or else they may proceed to trial, 21 Jac. ca. 8.

Of Challenge.

ONE that is indicted of Felony, may without cause challenge above twenty, and as many as he will afterward, if he shew cause, 22 Hen. 8. ca. 14. 28 Hen. 8. ca. 1.

What may be a good Challenge of a Juror.

THAT he is not *Probus & Legalis*, if he be attainted of felony, forgery, or perjury, &c.

That he was an Indictor of him.

That he hath not Land to the value of 40 s.

In Cities and Burroughs that he hath not Goods to the value of 40 l.

Champerty.

CHAMPERTY is, when one out of hope of the thing in question, bringeth a suit, or causeth it to be brought at his own costs; for it he shall be fined.

of

Of Church and Church-yard.

HE that shall strike maliciously in Church or Church-yard, or draw a weapon to that purpose, shall suffer the losse of one of his ears, or having none to be marked with the Letter F, 5 *Edw. 6. ca. 4.*

He that shall keep a Fair or Market in the Church-yard. *Vide le Statute Winton. 1. 3 Edm. 1. ca. 6.*

Conviction of any upon the Statute 5 *Edm. 6. ca. 4.* may be at the quarter Sessions, by verdict, testimony of two witnesses, or confession. 5 *Edm. 6. ca. 4.*

Before conviction, execution upon the Statute of striking in Church-yards may be awarded, 5 *Edm. 6. ca. 4.*

Of Churchwardens.

CHurch-wardens, if there be none, the Constable of the Hundred must present once every year at the quarter Sessions all Papists, and the Names of their Children of nine years old that come not to Church Monethly being with their Parents, and the Names of such Recusants Servants, 3 *Jac. ca. 4.* upon the penalty of 20 s. monethly.

Churchwardens and Overseers of the poor, yearly are to make their accomprs, before two Justices, one of the *Quorum*,

Of all sums of Money by them received, or rated and not received :

Of such stock as they or any of they have in their hands of their poor, 43 *Eliz. ca. 2.*

What

What Apprentices they have put out.

What poor they have reliev'd or set to work.

If they have monethly met to take order for the poor.

If they have with indifferency assess'd the Inhabitants, and Occupiers of Lands, and others of ability.

If they endeavour'd to levy and gather such Assessments, the defaulters in any things forfeits 20 s.

Two Justices may make their Warrants to the Churchwardens and Overseers, to levy all sums and arrearages of all that shall refuse to contribute according to the Assessment, and in default of distress commit them to the Gaole till they have paid.

Church-wardens and Overseers, refusing to make a true accompt to the Justices, of all sums of Money, are to be committed to the Gaole till accompt made, and the arrearages paid to the new Overseers.

Churchwardens and Constables must yearly in Easter call together the Parishioners, and then choose Overseers for the High-ways, 3 P. & M. ca. 8, and then appoint six dayes to be before Midsummer following, and must give notice of the said six dayes in the Church the Sunday before Easter.

Clerk of the Peace.

HE must be present at the Sessions to make Process to inroll the acts of the Sessions, and read Indictments.

He must inroll the discharge of Apprentices, and record Proclamations for the rates of servants wages, 5 Eliz. ca. 4.

He

He must keep the Counterpayn of the Indenture for Armour, 4 & 5 P. & M. ca. 2. Repealed by 1 Jac. 25.

He must keep the book for Licenses given to Loasders and Badgers of Corn, 5 Eliz. ca. 12.

He must certifie into the Kings Bench the Transcripts of all Indictments, Attainders, Convictions and Outlawries had before the Justices within the time limited, upon penalty of 40 s. *Vide the Statute* 34 Hen. 8. cap. 14.

The Recognizance of the Peace is brought to the *Custos Rotulorum*, if the party grieved will not sue it, the Clerk of the Peace may call upon it for the King, 2 Hen. 7. ca. 1.

The Office of the Clerk of the Peace is in the gift of the *Custos Rotulorum*, 37 Hen. 8. ca. 1.

He must record all presentments for not coming to Church, and certifie the not taking the Oath of Allegiance, 3 Jac. ca. 4.

The Clerk of the Peace is according to the Statute of 12 Rich. 2. ca. 20. and not by the *Custos Rotulorum* only.

The Clerk of the Peace may execute it by himself or his Deputy, being admitted by the *Custos Rotulorum*. *Vide Lamb.*

Of the Clerk of the Market.

The Clerk of the Market taking Money to dispense with faults, as staying longer then necessary, riding with above six Horses, the first offence is 100 s. the second 10 l. the third 20 l. *Vide the Statute* 13 Rich. 2. ca. 4. He shall not take any Money for any Bills, he shall seal a Bushel but once, afterward to take any thing is extortion.

Of Clergy not allowable.

Conjurers, Witches, their aiders and counsellors,
1 *Jac. ca. 12.*

Receivers or aiders of Seminary Priests or Jesuits,
27 *Eliz. ca. 2.*

To conspire to raze, burn or take any Castle of
the Kings, 14 *Eliz. ca. 1.*

Rape or burglary, 18 *Eliz. cap. 6.*

Carnally abusing a woman within the age of ten
years, 18 *Eliz. cap. 6.*

Breaking a house by day, and taking away any
thing to the value of 5 s. 39 *El. ca. 15.*

The taking away a maid, widow or wife that hath
Land or substance, the principal or accessory before
the fact, 39 *El. cap. 9.* 3 *Hen. 7. ca. 2.*

Buggery and Murder, 5 *El. ca. 17.*

He that poysons one of malice prepened.

A Robber of a house, any being in it.

Robbing a Booth or Tent, any being in it.

Horse-stealer or Church-robber.

Commander of wilfull murder or petty Treason.

Stabbing one that hath no weapon drawn, or
stroke not first, if he die thereof within six moneths,
1 *Jac. ca. 8.*

To burn any dwelling house, or any part thereof.

To burn a barn having any Corn in it.

Devising or writing seditious or slanderous matters
against the King, or publishing false reports, 23 *El.
ca. 2.*

Souldiers departing without license of their Cap-
tain, or Souldiers or Mariners which wander begging,
39 *El. ca. 17.*

If they exceed the time of their License, or forge or use a forged License.

He that is convicted the second time for forging Deeds, 5 *El. ca. 14.*

He that shall take away above 12 *d.* from the person of another, 8 *El. ca. 4.*

He that shall call himself an *Egyptian*, or consorts with them contrary to the Statutes, 5 *Eli. ca. 20.*
1 & 2 *P. & M. ca. 4, 5.*

He that shall acknowledge any Judgment, Bayl, Fine, Recovery, Deed, inrolled Statutes or Recognizances in the name of another, and he not privy to it, 21 *Jac. ca. 26.*

One that hath had it formerly, 1 *Edw. 6. ca. 12.*

where Clergy is granted.

Clergy shall be allowed but once, 4 *Hen. 7. ca. 13.* *Crompt. 118. a. nu. 36.*

In all cases Clergy shall be allowed, that are mentioned in the Stat. 1 of *Edw. 6. ca. 12.* or since that time taken away.

If a woman steal to the value of 12 *d.* and is convicted, if it be not to the value of 10 *s.* where a man may have his Clergy, the woman shall be burnt with the letter T. and whipped, 21 *Jac. ca. 6.*

If a man be attainted by Outlawry or Parliament, standing mute, or challenging peremptorily above 20. where the Statute takes it away, upon conviction by verdict. *Vide Lamb. 567.* if Clergy shall be denied.

Any man may be indicted of another Felony, after Conviction, and Clergy allowed, and burnt in the hand, 18 *Eliz. ca. 6.*

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In favorem vite if the Indictment doth not precisely agree with the Statute, the Prisoner may have his Clergy.

If the Ordinary be not present, the Justices may give a Felon his Clergy.

Of Cloth.

ANy two Justices, the Money arising from deceitfull Cloth, may dispose of it, 39 *Eliz. ca. 20.*

In Towns not Corporate, two Justices must appoint Overseers yearly to see that part of the Statute executed, yet in force, 8 *Edw. 6. ca. 2.*

Every Justice beyond *Trent* have power to search out the deceit in stretching those Countrey Clothes, 39 *Eliz. ca. 20.*

Any that shall be appointed by two Justices to be an Overseer of keeping the Statute of Clothing, having not a reasonable excuse, forfeits 40s. one half to the Justices.

If any Justice be found faulty in executing his Office concerning the deceitfull making Northern Clothes, forfeits 5 *l.* 39 *Eliz. ca. 20.*

All Woollen Clothes presented to two Justices by a Retayler as defective against this Statute, and the Statute 4. & 5. *P. & M. cap. 5.* shall be cut in three parts, one to the King, one to the presenter, and the third part to the Justices, 5 *Edw. 6. ca. 6.*

There must be a seal of Lead to the Cloth, to shew the length, and tryed by water, or be fined, 3 *Edw. 6. ca. 2.*

No Cloth is to be stretched but a yard and a half in length, and half a quarter in breadth, nor to shrink more in wetting, upon pain of 40s.

The

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The Dyer loseth 20 s. that shall not perfectly
boyl Grain or Madder upon Woad, and shot with
good Cork and Orchall, all Browns, Blews, Pewks,
Tawnies and Violets, 3 *Edw. 6. ca. 2.*

All Wools for Hats, Caps, Bayes, Grayes, Mar-
bles, Russers, must be perfectly oaded, boyled and
maddered, or forfeit for every Cloth, or Wooll for
a Cloth 20 s.

He that shall dye with Brazill, shall forfeit 20 s.
a time, 3 *Edw. 6. ca. 2.*

Except *Devonshire* and *Cornwall* Straits, he that
shall put Flax, Chalk, Starch or other deceivable
things upon Cloth, loseth 40 s.

He that shall sell Cloth by lesse measure then the
true content of the yard and inch, forfeits 6 s. 8 d.

He that either in *England, Wales or Ireland*, pres-
seth Cloth to be sold, loseth the Cloth or value.

Neglecting or refusing to be searchers for Cloth
quarterly, loseth as the Offenders.

He that shall interrupt the search of Cloth, loseth
20 l.

The *Kentish* Clothes being wet, must contain be-
twixt 20 and 30 yards in length, and seven quarters
broad within the list, well dressed, they must weigh
76 pound, or lose 20 s. for want of length and
breadth, and so much for wanting of 4 l. in weight,
5 *Edw. ca. 6. Vide 4. Jac. ca. 6.*

Losse of Cloth, fine and imprisonment for a
moneth, is the penalty for making of Linnen Cloth
deceitfully, 1 *Eliz. ca. 11.*

All Offences concerning stretching of Northern
Clothes, must be presented by the Overseers, at the
next quarter Sessions after the offence committed,
and there heard and determined, 39 *Eliz. ca. 20.*

If the Justices fail in the executing of the Statute,
then

then to be heard and determined before the Judge of Assizes; 39 *Eliz. ca. 2.*

Of the Commission of the Peace.

THis Commission is determined by the Kings pleasure, by implication, or expresse word, death, or by the presence of a greater power, or by occasion of another Office, as Sheriff.

The Commission is voyd, if Justices sit and do not adjourn the Sessions from time to time. *Brook Commission 12.*

A new Commission of the Peace, *Hac vice tantum*, determines the old after once sitting.

A Commission of the same kinde to other Commissioners, without word or discharge, revokes the former by implication.

The Justices of the Shire may meddle where a Justice is made within a special Liberry, without words of prohibition.

Till a new Commission be read and proclaimed in a full County, the old Commission is not determined.

The authority of a Justice of Peace is not determined by the accessjon of a higher title.

If a new Commission be granted to hear and determine Felonies, it determineth the old Commission; but not concerning the Peace. *Brooks Commission 8.*

The keeping of the Commission of the Peace belongs to the *Custos Rotulorum*, therefore a Justice doing any thing by vertue of his Office needs not to shew his Commission. *Crompt. 120. b. n. 13. Lamb. 387, 388.*

Amongst others, two Lawyers are to be assigned

in every Commission of the Peace so proceed to Gaole-delivery.

Where two Commissioners are joyntly, and 'tis recorded that one only sate, it was voyd, if one sit and recorded to be done before both, it is good; so of Justices of Peace, *Cro. 121. a. nu. 19. & 183. a.* For you cannot take an averment against the act of the Justices or Commissioners.

A Justice may be discharged by Writ, but must be made by Commission. *Brooks Commission, nu. 18.*

If the Justices in Eyre come into the County, and after Proclamation made they sit, by vertue thereof the Justice of the Peace's authority doth cease: So if the Kings Bench remove into the County. *Brooks Commission, 18.* Yet *Lambert* makes it a *Quare*, because the Justices of *Nisi prius* do bring a Commission of Oyer and Terminer. Yet it is no determination of the Commission of the Peace.

And yet *Brooks Commission* of the Peace, 8, a new Commission of Oyer and Terminer for Felonies, determines the ancient Commission of the Peace.

Of Commons.

ALL Commons in forrests and other places must be driven yearly within 15 dayes of *Michaelmas*, upon the pain of 40 s.

Of Common Prayer.

IF any Minister have refused the Common Prayer, or to administer the Sacraments according to the Common Prayer, or have used in the Church any other Prayer in administration of the Sacrament, or have writ or spoken any thing in the derogation of

If any have in Plays, Songs or Rhymes, or by open word spoken against it, or any thing contained in it, or have maintained any Minister to say other Prayers in the Congregation, or in the administration of the Sacrament, or interrupting any Minister according to the said Book, loseth 100 Marks or six months imprisonment without Bail: the first offence, the second offence 400 Marks or 12 months imprisonment, and for the third all his goods, and to be imprisoned during life, *ibid.*

Of Confession.

The party shall not plead *Not guilty* after a confession; or the parties suite; otherwise of a confession *sub modo*, or putting himself *sub gratia Regis*, Lamb. 530.

Quere, Whether if he once make a fine, he can plead *Not guilty*, or whether he may drive the party to an absolute confession of *Traverse*.

He that voluntarily offends against the Statute
1 Jac. ca. 9. 4 Jac. ca. 5. it is a conviction, and after
confession whether his Oath be a sufficient proof
against another, at the same time offending, 21 Jac.
ca. 7.

Of Conjurat[i]on.

Conjurat[i]on of wicked Spirits, is Felony, & **Execu[t]ion**
Cap. 26.

Of the Conservation of the Peace.

IN some cases Coroners may imprison, being they
are Conservators of the Peace. Within their Limits so are Constables.

Of Constables.

Constables, at the common Law, and before the
Statute of Hen. 7. c. 6. & 1 R. 2. c. 2. & 13.
might bayle any suspected of felony, by obligation,
or take surety of the Peace by obligation, or commit
to prison any that made an Affray till he found
sureties.

A Constable cannot lay hands on two intending
to fight, till weapons drawn or offer of a blow.

He that hurts a Constable or other Officer in
any Affray or quarrell, the Constable may have an
action against him; but the other can have none
against the Constable, because it is in the execution
of justice.

The Officer may break open doors where two are
fighting together, the doors being shut.

A Constable shall be deeply fined, either at
Sessions or the Assizes, for not endeavouring to part
an Affray, but not so if he be told of it being absent.

A Constable apprehending an Affrayer may im-
prison him in the Stocks, till he can carry him to the
Gaole, or before a Justice.

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For

For the pacifying an Affray, a Constable or Officer may crave aid of the Kings people.

Upon a Justices mandate two Constables may be chosen in each Hundred.

A High Constable at the petty Sessions for an Affray made in Court may imprison the Offenders.
Coke 11. part 43. 44.

The usual course of choosing the High Constables is at Quarter Sessions; or out of Sessions by the major part of the Justices of that Division where they dwell, and use to be sworn at the Sessions, or by Warrant from thence.

Of Conventicles.

Many times those are called Conventicles, when many impart their meaning to kill one, or to take anothers part to that purpose.

In this word Conventicles is contained conspiracy, confederacy, maintenance and champerty; and likewise the giving of Liveries other then to mensal servants.

Of Corn.

UPON the Statute of forestalling, a Certificate of one Justice of Peace is sufficient, joyned with the Customer of the place, concerning unlading and selling of Corn, Grain or Cartell, carried by water from one place to another, unto the Customer or Comptroller of the place where it was imbarked,
3. Edm. 6. ca. 14. 13 Eliz. ca. 25.

He loseth double that hath sufficient Corn, and buying seeds, brings not so much to market to sell,
3. & 6 Edm. 6. ca. 14.

Of Coroners.

A Coroner touching extortion in his Office, or not executing, may be convicted of an offence against the Statute 1 Hen. 8. ca. 7.

Coroners may in some cases commit to Prison, as they are conservers of the Peace, 1 & 2 P. & M. ca. 13.

Coroners ought to be present at the Sessions, as being parties and Judges of the Outlawries.

Coroners must certify their Inquisitions at the Gaole-delivery, and not at the Sessions.

Of Cottages.

HE that shall convert a dwelling to be used for a Cottage, unless he layes four acres of his own free Land of Inheritance neer to the said Cottage, to be still manured with it as long as it shall be inhabited, forfeits 10 l. except in Market Towns, City Corporate or ancient Burrough, or the dwelling of workmen to Minerals, Coal-mines, Quarries of Stone or Slate, makers of Tyle, Brick, Lime or Cole, not being above a mile from their work, or used for habitation of such Workmen, or Visualling of Ships within a mile of the Sea, or some Navigable River, or a Cottage for keeping of Forrests, Chases, Warrens or Parks, Cottage for a common Heardsman or Shepheard of any Town, or for the poor, lame, sick, aged or impotent person, or hath continued by the Justices of Assize, or of the Peace in open Sessions, 31 Eliz. ca. 7. 39 Eliz. ca. 3. 43 El. 2. 35 Eliz. ca. 6. for every moneth continuing the Cottage, forfeits 40 s. a moneth.

In a Cottage there must be no Inmates, 31 Eliz. ca. 7. none can make a Cottage, except by order of the Justices, and leave of the Lord of the waste, at the charge of the Parish, Hundred; County, 39 Eliz. ca. 3. 43 Eliz. ca. 2. All offences against this Statute are to be heard at Quarter Sessions, 31 Eliz. ca. 7. A decree may be made at Sessions for the continuance of a cottage that hath not four acres of Land.

Of a County.

A Felon that is pursued out of one County to another; shall be committed to the Gaole of the County where he is taken.

Of Cozeners and Gouernage.

One Justice of Peace may either send Cheaters to the House of correction, or binde them to the good behaviour, or to the Assizes or Sessions.

Two Justices, one of the *Quorum*, may binde those that are but suspected for Cheaters to the next Quarter Sessions, or may imprison them or bayl them at their pleasure.

All those shall suffer any corporal punishment except death, that falsly and deceitfully get into the possessions, money or goods of other mens, by colour of false or privy tokens or counterfeit Letters, and convicted thereof at Quarter Sessions, upon examination of witnesses. 33 Hen. 8. ca. 1.

of

Of Crosse-bowes and Hand-guns.

NOne can keep Gun, Dagg, Pistoll, Crosse-bow or Stone-bow under 100 *l. per Annum*.

Within 20 dayes after seizure, any person that shall shoot in, carry, keep, use or have any Gun, under three quarters of a yard in length, if shorter, he that hath 100 *l. per Annum*, may seize it and break it within the time aboye limited, or else forfeits 40 *s*.

None shall carry in his Journey any Gun charged, or Bow bent, that hath not 100 *l. per Annum*, unlessse in time and service of Warre, or going to Musters.

None may shoot in or neer a Market, but in defense of his house, person or at Butts.

Neither can the Master command the servant to shoot but at Butts, or a bank of earth, or in War.

Any man may attach the offender against the Statute 33 Hen. 8. ca. 6.

The Offender may be sent to Gaole upon the due consideration of the Justice.

These are excepted out of the Statute.

Serving men whose Masters are enabled by Statute.

Gun-makers or Gun-sellers, dwellers alone or neer the sea-side, or that have placards may shoot accordingly.

He that hath license (having not 100 *l. per Ann.*) to shoot in any Gun, his name must be presented to the next Justice, and by him to the Quarter Sessions,

Sessions, and there recorded, or the Justice loseth
20 s. 2 *Edw. 6. ca. 14.*

Any licensed to shoot in Hand-gun or Birding-
piece, is prohibited to shoot only at Fowl, and to
be bound in 20 l. to observe it, 1 *Jac. ca. 7.*

At any Partridge or Pheasant, Duck or Mallard,
House-dove, or such other Fowl, any that shoot,
may be committed by two Justices to the Gaole for
three moneths; or at the Hart, 1 *Jac. 27.*

If any person not having Lands of the value of
40 l. or Goods worth 200 l. that shall use any Gun,
Bow, or Crosse-bow to kill Deer or Conies, ex-
cept such person as shall have any ground inclosed,
used for the keeping of Deer or Conies, &c. or be
Keepers or Warreners, any having Lands to 100 l.
per Annum in or for life, may take their Guns away,
and keep them to his own use, 1 *Jac. ca. 13.*

Of the Custos Rotulorum.

THE Records and the Commission are in the
custody of the *Custos Rotulorum*, and he ought
to see them brought to Sessions.

He that is *Custos Rotulorum* is alwayes a Justice of
the *Quorum*.

Of Cutting of Furfes.

IT is felony without Clergy to take any Goods
from ones person, to the value of 12 d. although
it be without assault or fear, 8 *Eliz. ca. 4.*

Unlesse the thing taken be to the value of 12 d.
it will not amount to death. *Dalt.* makes it a
Quere.

The

The thing taken from the Owner must be in the actual possession of the Thief.

Of Cutting out of Tongues.

THe cutting out of tongues, pulling out of eyes; *felleo animo*, is felony of death, 5 Hen. 4. ca. 5.

Of the Cutting of a Pond-head.

HE that shall destroy the head of a Pond, Stew, Moat, or several Pit where Fishes are put by the owner thereof, or have fished on purpose to take away the Fish against the owners will, the punishment is to suffer imprisonment, and to be bound to his good behaviour for seven years, 5 Eliz. ca. 21. 3 Jac. ca. 13.

Of Deer-hayes.

THe Jurisdiction belongs to the Justices of the Forrest concerning a Hart proclaimed, and the Justices of peace cannot receive an Indictment, 21 Hen. 7. ca. 30.

If any shall be convicted of killing or taking any Deer unlawfully, shall pay treble damages, lye three Moneths in Prison, put in sureties for his good behaviour for seven years after, 5 Eliz. ca. 21. 3 Jac. ca. 13.

Any that shall sell any Deer, Partridge, Pheasant or Hare, House-partridge or Pheasant excepted, or that

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that come from beyond the Sea, forfeits for every Deer
40 s. every Hare or Partridge 10 s. every Pheasant
20 s.

Of a Demurrer.

IF any shall demurre upon the evidence, being in-
dicted, the Justices must record it.

Of Deputies.

A Judge cannot make a Deputy, *Lamb. §39.*

Of Divine Service.

ANy that are 16 years of age must come to their
Parish Church to hear Common Prayer Sundays
and Holy-dayes, or forfeits 12 d. every offence, to
be levied by the Churchwardens to the use of the
poor, to be punished by the censure of the Church,
1 Eliz. c. 2.

In his Limits and Division it is lawfull for the
Justice where the Offender inhabiteth, for not
coming to Church, upon proof of default by con-
fession of the party or witness, to call the party
before him, and for want of a sufficient excuse to
make a warrant under his hand and seal to the
Churchwardens, to levy for every offence 12 d.
and for default by distresse, and in default thereof
to commit the Offender till payment, *3 Jac. c. 4.*

Of Drovers and Badgers.

THose that are licensed as Drovers and Badgers,
must be in open Sessions, for the vending of all
sorts

Sorts of grain, and there registred and kept by the Clerk of the Peace, 5 Eliz. ca. 12.

All offences against this Statute may be inquired of by examination of witnesses or by presentment, 5 Eliz. ca. 12.

By fieri fac. or Capias awarded by the Justice, the forfeiture due to the Informer upon this Statute, is to be levied, 5 Eliz. ca. 12.

Concerning the licencing Badgers, Laders and Drovers, the Clerk of the Peace must write their License, and Register the same in a Book, and the Recognizance taken before the Justice of Peace, the effect whereof must be, that he shall not do any thing contrary to the Statutes provided against Forc-stallers, and therein write the names, surnames, time, day and place where it was granted, and bring the same to Sessions, taking for the License 12 d. Recognizance 8 d. Registering 4 d. 5 Eliz. ca. 12.

Of Drunkenesse.

Any person that shall be convicted of drunken-
ness, upon the Justices view, his confession, or
by one witness upon oath, 11 Jac. 7. within six
moneths after the offence committed, shall lose 5 s.
to be gathered by the Churchwardens, and he refus-
ing by warrant from the Justice, to be levied on
his goods, and if he be not able, he is to be put in
the Stocks six hours; for the second offence to be
bound with sureties to the good behaviour, and for
want of sureties to be sent to the Gaole, 4 Jac.
ca. 5.

Any neglect in the Officer in levying or correcting
forfeits

forfeits 10 s. to be levyed and disposed of as the penalty it self, 4 *Fac. cap. 5.*

Upon the Statute of Drunkenness the penalties are to be disposed of, to the use of the poore, *ibidem.*

Constables, Tithing men and Churchwardens are to swear in their Oaths to present the offences against the Statute of Drunkenness, *ibidem.*

The offences against the Statutes of Drunkenness may be proceeded against either at the Assises or Sessions, 4 *Fac. 5.*

None shall be punished twice for the same default, *ibidem.*

Of Ecclesiasticall persons.

ALL Ecclesiasticall persons are subject to arrests, unless they are attending Divine Service.

Concerning Eggs and wild Fowl.

THE eggs of wild fowl taken or destroyed from the place where layed betwixt the 1. of *March*, and the last of *June* by any, he shall have a years imprisonment, and forfeits for every Egg so taken of Crane or Bustard 20 d. Heron or Shovelack 8 d. Mallard, Teal, and other wild Fowl, 1 d. 3 *Ed. 6. cap. 7.* 28 *Hen. 8. cap. 11.*

He shall have three moneths imprisonment and bound to his good behaviour for seven years, that takes away the eggs of any Hawk out of his woods or grounds, 5 *Elix. cap. 21.*

To take or cause to be taken upon other mens or his own ground the eggs of any Falcon, Goshawk, Lanner, or Swap, a year and a dayes imprisonment, 11 *Hen. 7. c. 17.*

The

The offence for taking or willingly destroying eggs of Pheasant, Partridge, or Swan, by confession, or proof of two witnesses before two Justices where the apprehension or offence is committed, is imprisonment for three moneths, unless he pay to the Churchwardens where the offence was committed to the use of the poore 20 s.

Of Egyptians.

A Justice of Peace may after one Moneths landing of any outlandish persons calling themselves Egyptians, that shall come into this Kingdom, may seile all their goods and keep them for his own use, one moiety accounting in the Exchequer for, the other restoring to them their goods that prove they were craftily or feloniously stolen from them upon the forfeiture of double the value to the prover, after the Moneth expired, it is felony, and then they shall have the whole, 1 & 2 P. and M. 4. *Quere* whether the Statute 22 Hen. 8. be in force or altered by 1 and 2 P. and M. 6. 4.

Of Enquiry.

IN certain Cases a Justice of Peace can onely enquire and no further, as of offences against the Supremacy, 23 Eliz. cap. 1. of treasons and misprisions of treasons made by 23 Eliz. c. 1. of offences against the Statute of false rumors against the King, 23 Eliz. c. 1.

Of Escapes.

WHere the Constable hath arrested one that hath wounded another, and voluntarily lets him go, he that was hurt dies within a year and a day, the Constable shall Fine to the value of his goods, but it is not Felony in him. He

He that shall suffer one to escape wilfully is Felony, but a negligent Escape is onely fineable.

If the Act were not Felony at the Escape committed, as the wilfull Escape of one arrested for Larceny, manslaughter *per infortunium, se defendendo*, it is not Felony.

Before he that suffered Escape shall answer it, the Prisoner escaping must first be presented.

It is Felony in any Justice to send for a Felon out of the Gaole, and then to free him.

It shall be but a negligent Escape in a Justice that shall bail one not bailable, if he do it *pro defectu scientie*.

If a man slayer in a Town not walled escapes in the day time, the Town must answer it.

It is a voluntary Escape, and so Felony in the Justice that lets a Felon go without commitment or Bail, that hath confessed the Felony before him, *Crompton 339. A. 21. 7. 24. A.*

It is Felony in a Gaoler that suffers a Felon wilfully to escape.

For insufficiency the County shall be charged, but the Hundred for a man slain out of Town.

If an Officer or Gaoler suffers his Prisoner to go out for a time, he in returning according to his time limited, or he let him go by bail, it is a negligent escape, and fineable, yet *Quere* for he must be kept *in custodia et salva custodia*. *Crompt. 39. B. 21. 5.*

It is a negligent Escape in the Constable to suffer a thief to drown, kill or hang himself, though the Constable know it not, but if he voluntarily suffers the thief to drown himself, it is Felony.

If a Prisoner be committed for Felony, it is felony in the Gaoler if he let him voluntarily escape, if

reason

treason, then treason in him, if trespass, then
trespass in him.

Of Escheators.

ANy Escheator that hath not 20 l. per annum in
Fee or for life, other then those in Cities and
Burroughs, or that have sold or set to farm their Of-
fice, or make a Deputy for whom they will not an-
swer, and certifies not his name within 20 days, for-
feits 40 l. 12 Ed. 4. c. 9.

An Escheator that takes for the Execution of a
Writ above 40 s. where the Tenour is in Caput, for-
feits 4 l. 23 Hen. 6. c. 17.

Likewise if he takes above 15 s. for finding an of-
fice that doth not exceed 5 l. forfeits 40 l. 23 Hen. 6.
c. 22.

Of Evesdroppers.

THE punishment of Evesdroppers which shall by
night hearken at mens houses what is said to carry
it about, shall be bound to the good Behaviour.

Of Evidencers.

AT the next Gaole-delivery Justices of the Peace
are to binde over all that shall give any evidence
against any Prisoners.

What Examinations are taken in one County may
be certified into another, there read and given in evi-
dence.

He shall be committed or bound to the good be-
haviour that refuseth to be bound over to give Evi-
dence at the Assises or Sessions.

Of Estreats.

THe Clerk of the Peace shall make two Indentures, and one deliver to the Sheriff, the other to the Barons of the Exchequer concerning the extracts of Fines, forfeitures and amerciaments.

The Justice that had the examination of the matter must see the Estreats recorded of the penalie for shooting in Guns, and sent into the Exchequer.

The Sheriff shall be fined to pay treble damages that shall levy any of the Kings Debts, without shewing the Estreats under the Exchequer Seal, 27 *Elix. cap. 7.*

He shall lose five Marks to the King, and as much to the party that shall estreat Issues of others that are not charged or chargeable, 27 *Elix. cap. 7.*

Of Examinations.

THe party that gives Evidence against a Felon must be bound to appear by the Justice before whom the Felon is brought, and the examination put in writing within two dayes after, 2 and 3 *P. & M. cap. 10.*

A Felon shall not be examined upon oath, for by the Common Law, it was not warrantable, the Maxime being, *Nemo tenetur seipsum accusare.*

Concerning Circumstances observable in the Examination of a Felon.

Examinations of Offences.

NO Conviction can onely be by examination, but where the Statute refers it to the discretion of the Justices, or specially limiting it.

A Justice may as well examine the offenders as the witnesses

witnesſes where the Statutes doth limit the Conviction on to be by examination generall.

It is a *Quere* where an Examination can be taken upon Oath againſt the King, yet it muſt be taken as well againſt as for the King.

Whatſoever a Felon confeſſeth before a Juſtice is not any conviction, but he may deny it upon his triall.

A Juſtice may examine upon oath the Evidence againſt a Felon, for the party may die before the Aſſiſes, and then an Information without Oath is invalid, *Crompt. 194. A. Nu. 5.*

When it is to inform the Jury upon the Indictment it needs not, if the Juſtices examination of the party be his conviction, it muſt be upon oath.

Of Extortion.

IT is Extortion, in an Eſcheator Coroner, Under-Sheriff, Bayliſſ, Gaoler, or in Spirituall Officers, as Ordinary, Archdeacon, Officiall, by colour of their Office to take more for their Fee then is due.

Any taken *virtute officii* is allowable, but *colore officii* is extortion.

A Conſtable bringing a felon to Gaol, if either Sheriff or Gaoler take any thing, it is extortion in them.

One that is in Priſon gives the Gaoler money to let him at liberty, eaſement or favour, it is extortion in him.

A Schoolmaſter is allowed by the Ordinary or Miſtiſter to keep a School, if they take any thing it is extortion in them.

If the Ordinary for Probat of Wills and granting Adminiſtrators when the goods be not 5 *l.* then he may take for his Fee 6 *d.* to the writer onely if above 5 *l.* and not 40 *l.* to the Ordinary 2 *s.* to the writer

1 s. if above 40 l. to the Ordinary, 2 s. 6 d. Scribe,
2 s. 6 d. 21 Hen. 8. ca. 6. more it is extortion.

The Marshall cannot detain any prisoner discharged, but for his Fees.

If a mans beasts be taken in another mans ground, and the Owner of the ground prescribes to have 4 d. for every beast there taken, or to make amends to him at his will, it is extortion if he take it.

Of Fairs and Markets.

IF any shall keep a Fair or Market in a Church-yard, he shall be fined. *Statute of Winton.* 23.

Of Fees.

THe Bayliffs of Liberties shall have the same Fees as the Sheriff, for any arrest 20 d. the Gaoler if committed 4 d. for the obligation 4 d. and no more, upon pain of 40 l. 23 Hen. 6. ca. 10.

Such Fees as the Sheriffs and their Ministers have out of Liberties, the Bayliffs and their Ministers of Liberties shall have the like, and the like punishment for extortion, 27 Hen. 8. ca. 24.

Of Fining by the Clerk of the Peace.

THe Clerk of the Peace for inrolling a bargain, and sale, 2 d. Lands not exceeding 40 s. per Annum, if more then 2 s. 6 d. 27 Hen. 8. ca. 16. and the Justice the like sum, if they take more they shall be fined.

He that takes a Rogue into his service, shall take but 12 d. for the Recognizance, 14 *Elix. ca. 5.*

For making and registring a License for a Badger, Lader, Drover or Kidder, 2 s. 5 *Elix. ca. 12.*

For shooting Hawks meat, a License, 12 d. per 1 *Jac. ca. 17.*

For the Recognizance of an Alehouse-keeper, to the Justices Clerk 12 d. *ut supra.*

That Coroner that shall refuse to do his office for one that is slain by accident, without fees, loseth 40 s. 1 *Hen. 8. ca. 7.*

The Coroner shall have for his fee 13 s. 4 d. for doing his Office for one slain or murdered, of the goods of the slayer or the murderer, if he have none, of the Town where the Fact was done in the day, and was suffered to escape. 3 *Hen. 7. ca. 1.*

Of the Maiors Fee for sealing:

FOR all Bushels and other Measures only 1 d.

Concerning weights, an one hundred pound weight 1 d. half a hundred a half peny, lesse a farthing; take more, the forfeiture is 40 s. 7 *Hen. 7. ca. 3.* 11 *Hen. 7. ca. 4.*

For a License to eat flesh, the entring into the Church-book, on Fish-dayes, by the Parson, Vicar or Curate, 4 d.

For a servants going from one place to another, 2 d.

He forfeits 40 s. that takes above 4 d. of payment of any summe, that hath a fee or pension of the King, be he Treasurer, Receiver, or Minister to his Majesty, forfeits 6 s. 8 d.

He that takes above 4 d. for the impounding a distresse, loseth 5 l. besides the Money he takes above, 1 & 2 P. & M. ca. 12.

If a Trespasser come in *gratis* and find sureties,
the Sheriff or Gaoler shall have no fees.

He that hath proceſſe sent for him by a Justice of
Peace to come and put in sureties, no fee is due to
the Officer.

*Fees of a Justice of Peace, Vide Crompt. 176. 2
m. 9.*

Of the Justices Fees.

FOR a warrant of the Peace under seal, 2 s. 8 d.

For a Recognizance of the Peace, 2 s.

For a Recognizance to bayl a prisoner, 2 s.

For a *Supersedeas* of the Peace, 2 s.

For a Release of the Peace, 2 s.

For a warrant that concerneth not the Peace, 4 d.

For the Recognizance of an Alehouse, 12 d.
5 Edw. 6. ca. 25.

Of Felo de se.

HE is a *Felo de se* that doth destroy himself out
of a premeditated hatred against his own life,
or out of a humor to destroy himself, forfeits all
his Goods and Chattels to the King, and also all
his debts real and personal, with specialty and
without, and all simple Contracts.

If two fall out and fight, one falleth to the
ground and drawes his knife, the other falls upon
him and drawes his knife, and the other falls upon
him and is slain, this man in some kinde is *Felo
de se*. Pax Reg. 122. b. Stat. 16. a.

A Lunatick forfeits, if in *lucidis intervallis*, but
an Infant, or *non compos mentis* doth not, killing
himself.

No

No goods shall be forfeited that he had at the time of the blow given, till his death be presented and found of record.

His blood is not corrupt, neither doth he forfeit any Lands.

The inquiry belongs properly to the Coroner if he can have the sight of the body, if not, the Justice of Peace may inquire thereof, and make presentment before them, and so intitle the King to his goods. *Coke 5. part 110. b.*

Of Felony.

Felonies are by Common or Statute Law.

The Common Law accounts all Homicides not warranted, Felony, as Burglary, Theft, burning of houses, Rescous and Escapes.

Of Felonies by Statute Law.

HE that being the Kings sworn servant, shall plot or conspire to destroy the King, or any Lord of the Kingdome, or the Kings Councell sworn, or the Treasurer, Steward, or Comptroller of the Kings Household, is guilty of Felony by 3 Hen. 7. ca. 14.

If a Felon break prison, 1 Ed. 3. *De Prisonam frangentibus.*

If he being committed for felony, escapes in going to the Gaole.

Though he be not indicted of felony, if under arrest, and makes an escape, being committed for felony, it is felony in breaking of Prison.

One is arrested for felony, and a stranger breaks the Prison or Stocks, and makes a Rescous, and he

escapeth, it is felony in the stranger and the other too.

It is felony in any that shall rescues a prisoner going to execution.

It is felony only in him that suffers the felon to escape, being arrested for felony.

It's only felony in the prisoner if he escapes by negligence.

If he escapes before the arrest for felony, it is no felony, but the Offender may be indicted and fined.

Buggery with Mankind, burning of houses with stacks of Corn.

Congregations and confederacies holden by Masons.

Cutting out of tongues, or pulling out of eyes.

Cutting Powdick or Banks in Marsh-lands.

Conjuration or invocation of evil spirits, *Jac. 1.*

ca. 12.

Consultation with an evil spirit, *1 Jac. ca. 12.*

Any that shall imbezell to the value of 20 s. the Kings Armour or Ordinance, though at several times, *1 Eliz. ca. 4.*

The imbezelling of any Record or Writ, *8 Hen. 6. ca. 12.*

It is finable at the Kings will to raise a Record, *8 Rich. 2. ca. 4.* These two last belong not to the Justices, but to the Judges at Westminster.

Hawks imbezelled and not brought to the Sheriff, Hawks concealed and stolen from the Owner; Forging of Evidences the second time, *5 Eliz. ca. 14.*

A Gaoler enforcing his prisoner to become an Approver.

He that shall conceal the offence of hunting Deer

Deer or Conies in the night, or that shall disobey the arrest for such offences.

To take a wilde or tame beaſt, or other thing in a Park, by way of robbery.

He that ſhall marry a ſecond wife, the firſt alive.
1 *Jac. ca. 11.*

Multiplication of Gold or Silver. Wilfull poyſoning, if the party die within a year and a day after.

He that ſhall contrary to command go into company infected with the Plague.

Reſuſants reſuſing to abjure, or return after departure.

To relieve or maintain Popiſh Priests.

He that being a Purveyour, that ſhall take any thing above 12 *d.* for the Kings houſe, without Warrant under the Great Seal.

He that ſhall take any thing in other manner then contained in their Warrants.

He that ſhall exceed his Commiſſion in taking any Carriage.

He that ſhall take away any thing from the Owner, without his will, paying for the ſame.

He that ſhall make any Purveyance or Proviſion not by the teſtimony of the Conſtable and four neighbours ſworn, if the Owner and Purveyor cannot agree, and ſhall not deliver a Tales and Indenture ſealed with his ſeal touching the ſame.

Or takes more then he ſhall deliver into the Kings houſe.

Or ſhall take Sheep between *Eaſter* and *Mid-ſummer* in their wooll, at ſmall prices, or more then the Kings Houſhold needs, and carry them to his own, and ſhaves them.

In all theſe ſeveral caſes it ſeems to be felony

in the Purveyour, Deputy and Servants.

He that shall take any things without the owners consent, and not paying presently, although he hath a Charter, 23 Hen. 6. ca. 14. 7 Rich. 2. ca. 8. 36 Edw. 3. ca. 6.

He that shall rob in a house, to the value of 5 s. in the day, though no body be in either the house, barn or stable, 39 Eliz. ca. 15. no Clergy.

If any person, be it either day or night, being put in fear, *ibid.* it is felony without Clergy.

He that shall rob any person in his dwelling, any being within, *ibid.* without Clergy.

Any in the Booth in Fair or Market, either sleeping or waking, without Clergy, 39 El. ca. 15.

Any servant (other then an Apprentice) to whom any Goods or Chattels be delivered, by Master or Mistres, to the value of 40 s. if he goe away with it, with an intent to deceive or defraud them, or shall convert them to his own use, 5 El. ca. 13. 21 Hen. 8. ca. 7.

All Souldiers that have not first taken the Oath of Allegiance, going out of the Realm, 3 Jac. ca. 4.

If any Gentleman, or of higher degree, Captain or other Officer, that shall goe to a Forainer, before he be bound with two sureties to the King, not to be reconciled to the Pope, nor to consent to any conspiracy against the King, 3 Jac. ca. 4.

That Souldier that having taken presse money, and shall depart from his Captain, and being in service, goes away without license, 3 Hen. 8. ca. 5. 7 Hen. 7. ca. 7. Coke 6. part 27. 18 Hen. 6. ca. 19.

Such Souldiers or Mariners that take no course to live, but wander idly, 39 El. ca. 12.

These

Those Gunners that take presse-money to serve the King, departing without license, 5 *Eliz. ca. 5.*

Such Souldiers or Mariners that have no testimonial at their landing, *ibid.* or that shall exceed their limitation by the space of 14 days, 43 *Eli. ca. 3.* shall be punished like Rogues; they that shall or have forged a Testimonial, knowing it to be so.

In all these cases, see the Statute of 43 *Eli. ca. 3.*

All those shall be punished as Rogues, being Souldiers or Mariners, counterfeiting a Certificate from their Captain.

The second offence of the transportation of Sheep, is felony, 8 *Eli. ca. 3.*

He that shall ravish a woman forceably, though afterward consenting, is felony, 18 *Eli. ca. 6.* 13 *Edw. 1. ca. 3. Westm. 3.*

All that be aiders, assisters or abettors in Rapes are principals.

It is a Rape to ravish a Harlot against her will.

He that shall take away unlawfully any maid, wife or widow having Lands, against her will, it is felony, 3 *H. 7. cap. 2.*

He that shall procure or abett the taking of any of them, or shall receive any so taken, 3 *Hen. 7. ca. 2.*

He that shall abuse any under 10 years of age carnally, 18 *Eli. ca. 6.*

He that against her husbands or her own will shall take away a mans wife with her husbands goods, *Stamf. 94. Westm. 2. 13 Edw. 1. ca. 34.*

He that shall rob any Church or Chappel feloniously.

She that hath a bastard Childe born, and the mother seeks to conceal it by drowning it or murdering it, that it may not come to light, be it born

born dead or alive, it is murder in her, unless she can prove by one witness that it was born dead,
21 *Jac.* 27.

It is felony without Clergy to acknowledge in the name of another any Bayl or Judgement, Statute, Recognizance, Fine, Recovery, Deed inrolled,
21 *Jac.* ca. 16.

What felony hath been committed in one Kings time may be tried in another.

A felony done in one County, and the Felon flies into another County and there committed, he shall be removed by Writ to the County where the felony was done; but now I think the course is to try him where he was taken.

For robbery the Indictment must be where it was committed, for goods taken in one County and carried into another, he shall be tried in either County. *Brook Certior.* 140. *Indict.* 26.

For *bona ignoti* any man may prosecute.

He that stealeth stolen goods, the owner may indict the first or second.

Any other after proclamation may charge the Felon, if the owner will not; if any will inform for the King, he may do it safely and indict and give evidence.

A Justice of Peace hearing of any that can give evidence, may examine him and bind him over.

Of Fewell.

HE that shall break the Assize for fewell, one Justice after conviction, may put in the Pillory, in the next Market Town where the offence was committed, being not enabled to pay the forfeiture, there to stand at eleven a clock, with a biller bound

bound to his body. *Quere* whether the Justice may convict him alone, 7 *Edw. 6. ca. 7.*

Of Fines.

THe offender ought to be delivered, either upon payment of the fine, or entering into Recognizance to pay it.

This word *Fine* hath his denomination from *Finis*, which makes an end with the King concerning the offence.

Before that Justice before whom the offender was lawfully convicted, the assessement of the Fine becometh.

All standers by when one is slain, shall be imprisoned till he pay a fine, because he did not his endeavour to attach the murderer, and so it is of other felonies.

A Justice of Peace upon a forceable entry or detainer, after the offenders conviction before him, may assesse the Fine, or commit him to the Gaole, upon sureties may enlarge him, and estreat it, and send it into the Exchequer, but the better way is to leave it to the Kings Bench.

Unlesse it be for Alehouses, no Fine can be assessed where it is uncertain, till the offender be brought in by a *Capias pro fine*, and for Highways.

It is fittest to be done in open Sessions, where the Statute maketh an offence fineable in generall terms, or at the Kings pleasure, the Justice before whom the offence was may do it.

There ought to be treble the Fine, where the Statute speaketh of Fine and Ransome: Yet Sir *Edward Cokes* opinion is, it is all one. *Vide Coke Just. 127. a.*

Fines

Fines upon Tyles, Crosse-bowes and Alehouses, by expresse words of the Statute may not be altered.

According to the quality of the offence Fines must be, 34 Edw. 3. ca. 1.

The party shall be delivered after one is taken *per Capias pro fine*, after the Justices have assessed the Fine, and payd.

Of Fish.

Any that shall cast Nets into waters, by which the fry of Fish may be taken, or Salmones betwixt the Nativity of St. Mary the Virgin and St. Martin, or young Salmones betwixt the midst of April and Midsummer, one Justice may inflict the punishment upon them; the first offence is burning their Nets and Engines, the second three moneths imprisonment, the third one years imprisonment, and for any of them by fine at their discretion, 17 Rich. 3. ca. 9.

They shall have three moneths imprisonment and be bound to the good behaviour, that steal Fish, and that cut the heads of Ponds, 5 Eliz. ca. 21. 3 Jac. 13.

All forfeitures upon the Statute 3 Jac. 12. for destroying any spawn or brood of Sea fish, may be levyed by distresse and sale of the offenders goods, by warrant from one Justice to the Constable or Churchwarden, 3 Jac. ca. 10. the forfeiture is 10 s. and one half to the poor, the other to him that shall inform and sue for the same.

He that shall averre, that the abstaining from Fish upon dayes now generally used for Fish-dayes, that it is for the salvation of souls, either by preaching,

ing, teaching or writing, otherwise then other
publick Lawes, shall suffer as a spreader of false
newes.

Of Fish-dayes.

ANy eating flesh in Lent, forfeits 20 s. except
aged sick persons, or women with childe, or
that are licensed, and one moneths imprisonment,
5 *Elix. ca. 5.* 27 *Eli. ca. 11.* 35 *Eli. ca. 7.* 1 *Jac.*
ca. 2.

Any common Inne, Tavern, or Alehouse-keeper
offending against the Statutes of 5 *Eli. ca. 5.* 1 *Jac.*
ca. 29. either that shall kill, dresse or eat Flesh,
is to lose the flesh, and the penalty of the Statute
is 3 l.

Those that have warrants to eat flesh, they shall
not be warranted to eat Beef, Mutton, Pork, Veal
or Bacon, because the License is in respect of sick-
nesse.

That Butcher shall lose his mear, or the value,
though licensed, killing in Lent, that shall sell
any Ox Beef, Hogg, Calf or Mutton, except
three dayes next before *Easter*, and except Beef for
the victualling of Ships.

Any Constables or other Officer may search any
Vituallers house suspected for dressing flesh, may
take it and give it to the poor.

He that shall having authority grant any license
to eat flesh to those that have no need, loseth 5
Marks, and the license is void, 5 *Eli. ca. 5.*

(88)
Of Flax.

THe Justices may levy the forfeitures of Hemp and Flax by what processe they please, 24 Hen. 8. ca. 4. 35 Eli. ca. 7.

Of a Force.

ALL Trespasses by the common Law are accompted Forces, and they may commence the action with these words, *Vi & armis*.

The Law tearms that properly a Force, that is done either *manu forti*, *vel cum multitudine*.

Manu forti is a violence done to ones person by word or deed.

Deed is accounted, when one is furnished with offensive weapons not usually born.

That may be said to be armed that any one takes in his hand to throw at another.

Multitudine the Law accompts where there are three or more in a company.

*What man the Law consrues to
enter with Force.*

HE that shall enter an house with one or more weapons, such as be not usually wore, and violently enter the House or Land.

That entry that must be forceably must be actual.

If that many meet together to do a Force, and only doth it, all are in Law guilty.

He that enters peaceably, and forceably puts another

another out of possession, is said to have done it with force.

If they enter peaceably, and say they will keep the possession though they all dye for it.

If he be a Master, and enter with more servants then usual.

It may be a Trespasse *Manu forti* or *Multitudine*, if they come and cut Grass or Corn, take goods or crop wood, or other trespass, though the party be not put out of possession, that it is a forceable entry, and may by the Statute be punished, if they enter in peace, yet it is a disseising with force.

It doth countervail a force to enter with force to distrain for Rent due or not due.

It is a forceable entry in all, where divers enter where the entry is not lawfull, though they all behave themselves peaceably except one, and he enters with force.

In all these cases of force the Justices of Peace only may imprison, remove the force, and upon view imprison and fine, and upon view the Justices may commit the offender and record the force, *Coke lib. 8: fol. 120.*

Of what shall be a Forceable Entry by words.

TO make an entry in a peaceable manner, and then being within to threaten to kill him whom they have disseised if he re-enter.

What accounted in Law no Force.

TO make an Entry quietly, his Entry being lawfully and perswading them within to come
out

thurs the dore being open or shut by the latch, to enter without multitude, or any offensive weapons, or in any violent manner.

If one enter into a house peaceably and quietly, and finding Armour doth not remove.

He that shall take a man out of his house peaceably and imprisons him, and in the interim to send another into the house peaceably to enter, is no force.

He that only agrees to an Entry with force made to his use, is but a Disseisor.

What in Law is accounted a Forceable Detayner.

A Forceable Detayner is of Lands and Tenements, and not of the person.

Except quiet possession had been for three years, if the Entry be peaceably, and the Detayner forceably.

If it be but by one person, and no weapon shewed to deny a Justice of Peace to enter upon supposal of forceable Detayner, is forceable Detayner.

If a Justice make an entry, and finde any armed or Armour, not usual, or more then the ordinary Family.

He is a forceable Detainer that detains a house mortgaged by force from the mortgager.

He that shall place a company in a house ready to assail the enterers, or enter peaceably, and after bring in more weapons, or use weapons in the house to defend the possession.

Where the disseised shall forestall the disseisor with force, so that he dare not come neer.

The

The Justices may imprison and fine him that keeps Cattle having no Common, but cannot award restitution.

How the Law accompts a Forceable Detayner by words.

TO make an entry peaceably, and after threaten to kill the disseised if he come again.

The Law takes it for a forceable Detayner; when he that is disseised is threatned to be maimed, beaten or bodily hurt, for upon any of these death may ensue.

What no Forceable Detayner of Rent.

HE that findes Armour or Weapons in a house and removes them not.

He that shall threaten to burn his house or his goods, denyes to open the dores, or denyes to goe out.

If the owner cannot distrain for his Rent, nor use his Common of Pasture, the Tenant resisteth so forceably.

If the Tenant shall forestall the way by force and Arms.

When the Tenant maketh Rescous of the distresse with force and Arms.

The Justices in these cases can award no restitution of Rent and Common, but may remove the same and record it upon view, imprison and fine.

Of such Persons may make a Force.

ONE man may make a Force to the Affray of others, either with offensive weapons or turbulent behaviour.

An Infant of 18 years or under, may make a force.

A married woman may make a force by her own act, and she may be imprisoned and fined, but the fine cannot be layd on her husband.

If one counsell or perswade others to a Force, and being present, though he doth nothing, yet he is a Principal if absent, he is accounted in Law a Disseisor only.

Where divers make an entry, one committeth a force, all are guilty.

Of them that cannot be outed, and where one may hold with Force.

NO man can disseise our Sovereign Lord the King; an Indictment upon the Statute 8 Hen. 6. therefore is not good, the Kings Farmer cannot preferre a bill of Indictment upon the said Statute, but must have an Information out of the Exchequer.

He that hath quietly held his possession three years, may hire strangers to maintain his possession, and have his company in Armour, but he shall not resist the Justice that comes to view.

The plea of three years peaceable possession upon Indictment of forceable entry, avoydeth imprisonment, fine and restitution.

But

But not if the Entry were forceable though the holding peaceable, nor if the holding were forceable and though the Entry peaceable.

It is a *Quere* if a Disseisee have continued peaceably three years, if he shall be aided by the 8 Hen. 6. or 31 Eliz. cap. 11. if a Disseisee have continued his possession twenty years, he may be endicted upon the 8. of Hen. 6. the Justices may make restitution. Nor if the possession of three years have been interrupted.

Where a Disseisee quietly holdeth three years, and after the Disseisee doth enter and make claim, the Disseisor re-entering cannot hold with force, for he is in upon a new disseising, *Dalt. 212.*

When one hath been in possession by the space of twenty years lawfully and is outed, he cannot re-enter nor hold with force.

Where a Force may be said to be lawfull.

WHere a Force is used for the advancement of Justice or Judgment of Law by the Kings Judges and officers, as for example.

To apprehend and carry to prison offenders in Treason, Felony or other Capitall Crimes.

A Sheriff or other officer to arrest by vertue of the Kings Writ.

Where unlawfull Entries or holding of possessions and repressing of Rioters, the Justices may do it by force.

All that shall attempt to break or disturb the Peace: a Justice, Sheriff, Constable or Coroner may use force in apprehending them or imprisoning them.

To arrest offenders within it is lawfull to break o-

pen doore if the officers cannot otherwise enter, but the officer must make known his intent before he break open the dores.

For treason, felony, or suspicion of felony.

When one hath dangerously wounded the other.

3 Any Affray being in an house or a forceable Entry or detainer found by inquisition.

In a *Capias pro fine* directed to the Sheriff or upon a *Capias utlagat*. In an action personall.

Any Popish Recusant being excommunicate upon a Process or Warrant, 3 Jac. c. 4.

Upon a warrant for the good Behaviour or Peace.

In a Recovery in a reall or personall action, but not to execute the Kings Process upon the body or goods of any person at the suit of any subject in cases where the King is party.

*In what case a forceable defence
may be lawfull.*

A Ny man may keep his house, family, goods and chattels; for it is his Castle, against in jury for his defence and repose.

In the safeguard of himself, wife, father, mother, or child within age, or in defence of his Lands.

He that is an Heir or Feoffee in trust may preserve the possession by force, if they or their ancestors whose estate they have, have been in peaceable possession three years.

In all these cases he that disturbech me, or doth attempt to bear or lame me, I may beat him again in defence of my person and possession.

*What may be done by a Justice of Peace in a force-
able Entry and detainer.*

EXecution may be done by the Justice at the cost of the party, upon complaint or notice given, he may go to the place.

The Justice may if he think fit raise a *Posse Comitatus* by the Sheriff, or else cause him to arrest the offenders for the removing the force, and sending them to Gaole, and he that shall refuse to obey the Justices order shall be imprisoned and make Fine. 15. *Rich. 2. cap. 2.*

They may take likewise their weapons and prise them for the King, and break open dore if shut, and entrance denyed, except by Enquiry, the Justice cannot remove them unlesse he finde a force.

The Justice ought to record the force and indent it certifying one part into the Kings Bench and keep the other.

By the Statute of 15 of *Rich. 2. c. 2.* upon a forceable detainer upon his own view may record it.

The Justice must first enquire by a Jury recording a force upon their own view before they put the party out of possession, and then the force being found may put the other into possession again.

The Record of the Justice is not traversable, but a sufficient conviction of the offender.

Till the fine be paid the Justices may commit the offenders presently to the next Gaole, if he find them continuing the force, or forfeit 100 l. but then it must be in sight of the Justice.

These Justices are the proper Judges of the offence and assesse the Fine, but it must be severally, and

the Estreats to be sent into the Exchequer, and then the party to be delivered: yet *Queere*, for the Sheriff is accountable for all Fines, and *Lambert's* advise is to refer it over to the King Bench, & the Justice record the force, commit the offenders and certifie the Record to the Assises or Sessions, and there the offenders fined. Yet it ought more properly to be done by them that record the force.

The Justices may refer the Fine to the Kings Bench, and thither certifie the Record, which is the best way saith Mr. *Lambert*. 159.

All Fines ought to be according to the quality and quantity of the offence.

The Force that was committed must be inquired in place near where the force was, and within a Moneth, if a Riot, and one Justice may enquire.

There may be an inquiry in the absence of the offenders, or if the Justice be not present where the force was, yet there shall be no restitution without enquiry.

The Sheriff must summon a Jury to enquire 24 of 40 s. per annum. vide. le. form. *Crompt.* 132.

The Sheriff not executing on the Justices Precept loseth 10 l. 8 Hen 6. cap. 9. upon default the Justices may award an *Alias* and *Plures infinite*.

At the second Precept the Sheriff must return 40 s. Issues, the third 5 l. and every day after double. 8 Hen. 6. cap. 9.

The Indictment shall be good for the King if the Juror have not 40 s. per annum.

If there be a Presentment of such force sent into the Kings Bench, or removed thither by *Certiorari*, then the Justices of the Kings Bench may award a Writ of Restitution to give possession to the party outed, *Coke* 9 part. 118.

Upon

Upon the Statute of *Northampton* in the 2 *Ed. 3.* for removing a force, the Justice ought to remove the force, and certifie into the Chancery what he hath done ; for in this case the Justice is but a Minister.

The way to proceed upon this Writ is thus, he must cause three Oyes, and then make Proclamation in the Kings name thus.

The Kings Majesties Justices of the Peace do strictly, and in his Majesties name command all persons to keep silence whilst his Majesties Writ is read, and Proclamation be made accordingly.

Then let there be three Oyes more.

His Majesties said Justices straightly doe charge, and command, that no manner of person of what degree or quality soever, now being within the house of B. &c. in the said Writ named, shall go armed or keep Armour or weapon, or do any thing there, which may disturb His Majesties Peace, in offence of this Statute made at *Northampton*, upon pain to lose his said Armour and weapons, and of imprisoning his body, at his Majesties pleasure, God save the King.

Then may the Justices make a search and take away their Armour and imprison their bodies untill other mandates come from His Majesty, or his Judges, *vide le Writ Fitzherbert, 244. and the Title Bailment, & postea.*

If upon Proclamation they do depart in a peaceable manner, then the Justices shall not imprison them nor take away their armour.

All Justices may do it *ex officio* without Writ.

This distinction there is without Writ, no Proclamation nor Certificate into the Chancery, but the Justice may enter search and commit the offenders

there found apprise the Armour, record, estreat it and send it into the Exchequer.

The Justices can onely remove the force, and can make no restitution.

Concerning forfeited Recognizances for the Peace.

THe Recognizance is forfeited upon any breach of the Peace, as to threaten a man to his face to beat him or kill him.

To offer to strike though he hit him not, all affrayes malicious and violent striking or menacing.

To have company or weapons not usually worn, to command another to break the Peace, if done in deed, to imprison or arrest one without Warrant.

To thrust one into the water, and in danger of drowning, to ravish one against her will, to commit Burglary, Robbery, Murder, Manslaughter or any Treason against the Person of the King, to be riotously assembled.

That act must be done upon the person of another which breaks the Recognizance for the Peace.

The conviction for Petty Larceny is forfeiture of goods.

Of Forgery.

IT is Felony the second time to forge deeds concerning anothers Land after conviction, but not to be Enquired by the Justices of Peace.

Of

Of forestalling and forestallors.

HE that shall buy any victuals or wares, or contract for the same before they come to Market or Fair, or Port, or incite the party to advance the price, or not to bring them to Market is a Forestaller.

He that is a Forestaller convicted at the Quarter Sessions by the deposition of two witnesses, the first offence is loss of goods, imprisonment two moneths without Bail, the second is, he forfeits double the goods, and six moneths imprisonment, for the third loses all his goods, and stands in the Pillory, and in Prison during the Kings pleasure, *5 Ed. 6. cap. 14.*

All the moities due to the Informer shall be leyed by a *Fieri facias*, or *Capias* by the Justices.

Of Fowlers and Fowling.

HE that shall take or destroy by shooting in Guns, Bows, setting Dogs, Nets or other Engines, any Pheasant, Partridge Pheasant, Heron, Mallard, Duck, Teal, Widgeon, or other such Fowls, and being convicted by the oath of two witnesses before two Justices of Peace where either the offence or apprehension was, is three moneths imprisonment without Bail, unlesse he pay to the Churchwardens of either place to the poore for every Pheasant 20 s. for every Egg of Partridge or Swan taken or destroyed, or after one moneth of his commitment be bound with two Sureties in 20 l. never to do the like, the Recognizance is to be returned to the Quarter Sessions, *1 Jac. cap. 27. 7 Jac. 11.*

Of Gaole and Gaoler.

A Justice of Peace or Constable may not make a Gaole of his own houle, as a Gaoler may.

It is felony in a Gaoler by compulsion to make his Prisoner to be an Approver.

It is murder in a Gaoler that by hard usage shall kill his Prisoner.

That Gaoler that takes above 4 *d.* for a prisoners commitment, forfeits 40 *l.* one half to the King, the other to the Informer, 23 *Hen. 6. ca. 19.*

It is no felony in a Gaoler that shall kill a prisoner that shall make an uproare in the Prison, and assault his Keeper.

It is fineable in a Gaoler that shall refuse to take a Felon of a Constable, or taking any thing, 4 *Edw. 3. ca. 10.*

The Justice may send an Attachment for him into another County that goes away with money levied to build a Gaole, 23 *Hen. 8. ca. 2.* 25 *Hen. 8. ca. 5.*

It is an escape in the Gaoler that shall suffer a prisoner to go out of his sight, not returning again.

If the Gaoler refuse to receive any arrested for felony, the Town must keep him till a Gaole-delivery, but the Judges of Assize shall punish such Gaoler.

The Gaoler must take nothing upon the commitment of a Carpenter, Mason or any other Labourer, that refuse to serve, on pain of 10 *l.* to the King 5 *l.* to the party 34 *Edw. 3. ca. 9.*

of

Of Glasſe-men.

ANy Glasſe-men of an honeſt life and converſation may travail, ſo it be within the ſaid County and without begging, having a liſenſe under the hands of three Juſtices, whereof one of the *Quorum*, by the Statute 39 *Eliz. ca. 4.* but they are made Rogues and ſo to be puniſhed by the Statute, 1 *Jac. ca. 7.*

Of Goldſmiths.

ALL Goldſmiths or workers of Gold muſt work as fine Silver and Gold in allay as the ſterling, and put his mark to it, 2 *Hen. 6. ca. 14.*

None to have or wear any gilt or any metal but Silver except Spurs of Knights or apparel of Barons, or above, under the forfeiture of ten times the value, and imprisonment a year, 8 *Hen. 5. ca. 3.*

Of the Good Abearing and Behaviour.

FOR the good Behaviour you may have a ſpecial Writ out of the Chancery, directed to the Keeper of the Peace, and to every one of them upon the Statute of 34 *Edm. 3. ca. 1.*

The Good abearing may be granted by one Juſtice of Peace, and that out of Sessions, yet it is better not to grant it but upon ſpecial cauſe and ſuit of others, and that upon ſufficient cauſe, and not upon one alone, nor one Juſtice.

Of the causes it may be grantable for.

Against Rioters, common Barretors, quarrellers and disturbers of the peace, lyers in wait to rob, generally suspected for High-way men, such as are likely to commit murther, homicide upon the Kings Subjects, such as shall poyson others.

Against such as are of evil name, fame, and suspected for such enormous crimes, as haunters of Bawdy-houses, keepers of Bawdy-houses, common Whoremongers, and common Whores, Night-walkers and Pilferers.

Such as shall commonly haunt Alehouses and Taverns, having little to live on, such as shall cast mens Carts and Gates into Ponds.

Drunkards twice convicted, messengers of thieves, such as make false *Hue and Cry*, Cheaters and Cozeners, Libellers, the reputative father of a Bastard, unlawfull hunters in Parks after examination.

The abusing of Officers in executing their Office, as Justices of Peace, Constables or other Officers, if a Justice seeth a man break the Peace, and charges him to keep the Peace, and answers he will not.

Words of contempt against a Justice, though he is not executing his place; abusing a Justice of Peace and his Warrant.

When one will not prosecute one for a riot, or force the Justices being assembled for enquiry.

When one chargeth a man for felony, and will not prosecute.

He that shall disturb Preachers, that shall destroy or steal Fish, after lawfull conviction, 1 Mar. 2. 5 Eliz. ca. 21.

He

He that shall take Hawks, or the eggs of Hawks out of other mens grounds, being convicted lawfully, 5 *Eliz. ca. 21.*

He that shall steal, hunt or kill Deer or Conies in Park or Warren, after conviction, 3 *Jac. cap. 13.*

What persons ought to be bound at Sessions.

Those that disturb the execution of the Statute for Rogues, he that is pardoned for felony must be bound before the Sheriffs and Coroners, 23 *Eliz. ca. 1.* 10 *Edw. 3. ca. 3.*

All Popish Recusants must be bound in the Kings Bench, 23 *Eliz. ca. 1.*

Disturbers of the execution of the Statute of the poor, 39 *Eliz. ca. 4.*

She that hath had twice a Bastard, 7 *Jac. ca. 4.*

Such as be unruly and will not keep order, having their house infested with the Plague, 1 *Jac. ca. 31.*

Of Guns and Gunners.

It is felony in a Gunner to depart from his Captain without license, or to wander with a forged one.

Against the Statute 33 *Hen. 8. ca. 6.* every person may attach an offender, and carry him before a Justice, untill the penalty be paid, the Justice may send him to the Gaole.

These things concern the Statute Law.

Under 100 l. per Ann. none may shoot in or keep a Gun, Dagg, Pistoll, Crosse or Stone-bow,

He that hath 100 l. *per Ann.* may take away any Gun from any offender, but must break them.

None may shoot neer a Market-town, but in defence of his house, or at a Butt.

The Master shall not command the Servant to shoot but at a Butt or in time of Warre, except Serving-men whose masters are enabled.

But persons dwelling alone or neer the Sea may keep Guns.

The names of such persons that keep Guns shall be presented to the next Justice of Peace, and recorded by the Clerk of the Peace, that have not 100 l. *per Ann.* and yet keep Guns.

Notwithstanding the Statute, the Sheriff or any of his Officers may carry Guns or other kinde of weapons for the execution of his Office, *Coke 5. part 72.*

Any two Justices of Peace for three moneths may commit to prison any that with Guns kill Partridge, Pheasant, House-dove, Mallard, or any Fowl, *1 Jac. ca. 27.*

Of Harvest-time.

All that refuse to labour in Harvest-time, be he Artificer or other person meet to labour in Hay-time or Harvest, are to be put in the Stocks two dayes and one night, and the Constable and other head Officer to do it upon pain of 40 s. *5 Eliz. ca. 4. & 5.*

Of Hawks and Hawking.

HE that shall take Hawks Eggs is to have three moneths imprisonment, there to remain till he finde sureties for the good behaviour, 5 *Eli. ca. 21.*
3 *Jac. ca. 13.*

It is imprisonment a yeer and a day, the forfeiture 10 *l.* that shall take the Egges either in his own grounds or in anothers, or that shall drive them out of their Covent, any Hawk of the breed of *England*, called a Nysse, Goshawk, Tassel, Lanner, Lanneret, 11 *Hen. 7. ca. 17.*

The Offender shall be bound over to the next Sessions with sureties that shall hunt in eared or codded Corn, 13 *Elix. ca. 10.*

Vide 7 Jac. ca. 11. against those that between the moneths of *July* and the last of *August*, shall hunt either Pheasant or Partridge.

Of Hay or Oats.

AN Innholder must sell all manner of provision either for man or beast at reasonable prices, if he bake Horse-bread, except in Town or Village, being a thorough-fare, and being no City or Town Corporate, it must be of the Assize and weight after the rate of Corn sold in the Market: The first offence is fineable, second to be imprisoned a year without bayl, the third to stand in the Pillory without redemption, lastly forejudged for ever keeping an Inne any more. *Vide le Statute 21 Jac. ca. 11.*

Of Hedge-breakers.

THose that shall break or cut hedges, pales, rayls or fences, or pull up trees to carry them away, rob Orchards, Gardens, or Spoylers of Woods, Poles or standing trees, being convicted before a Justice of the same County, either by confession or the oath of one witnesse, or any such damage as shall be by the Justice appointed, if not of ability to pay, the Constable to see the Offender whipped, if he doth fail in his Office to be committed without Bayl till it is done, 43 *Eliz. ca. 7.*

If the offence be committed against the Justice, he cannot punish the Offender without the assistance of another Justice.

Of High-ways.

14 Geo. 2. 14 **T**He High-ways leading to Market Towns, one Justice may cause to be enlarged, and cleansed of bushes and other briers and thorns, 13 *Edw. 1. ca. 5.*

According to the Statute 2 & 3 *Phil. & M. ca. 8.* any Justice may present the insufficiency of High-ways in open Sessions upon his own knowledge, and it shall be as sufficient as the presentment of twelve men; and the Bench may present the same in the absence of the party, saving the offender his Travers.

Two Justices, one of the *Quorum*, to enforce the account of any Officer that hath in his hands any money for the forfeitures upon the Statute 2 & 3 *P. & M. ca. 8.* about High-ways, and them that have money to imprison till payment if the Officer

be refractory, they have not power, but it must be in the Sessions.

The Constable and Churchwardens must on Tuesday or Wednesday in *Easter* week call the Parishioners, and chöose Surveyors for High-ways, six dayes must be by them appointed for the amending High-ways, before *Midsummer*, notice must be given in the Church the Sunday after *Easter* of the six dayes, he that hath a Plow-land or Cart must send his Cart with two able men to work 8 hours in every day for six dayes, or forfeit 20 s.

The other Parishioners having 5 l. in goods, or 40 s. in Lands in the Subsidy, must finde every day two able men or forfeit 10 s. a Cottage 1 s.

He that hath Land in several Towns or Parishes shall be charged in every of them according to his Estate.

In default that Ditches, Fences, Hedges next High-ways be not cleansed, 10 s. for every default. *Vide le Statute 5 Eliz. ca. 13. 18 Eliz. ca. 9.*

They must be cut down by the owner of the Land upon pain of 10 s. for every default: The penalty is 20 s. upon any Surveyer that refuseth, 2 & 3 Phil. & Mar. ca. 8. the Surveyor must present to the Justices within one moneth, or forfeits 40 s. 5 Eliz. ca. 13. 29 Eliz. ca. 5.

If the Bayliff or Constable that receives the Estreats, do not levy or make a true accompt and payment of all sums levyed to the Constables and Churchwardens, or have not employed them upon the High-ways, or certifies not the same within one moneth to the next Justice, and the Justice at the next Sessions, upon the penalty of 5 l. If after the Moneth the Justices certifie it at the next Sessions, it is noight.

All Constables and Churchwardens may be called to an accompt before two Justices, one of the *Quorum*, concerning their arrears in payment, between the first of *March* and the last of *April*, the fine at the Sessions shall be leyed by Estreat, indented, sealed and signed by the Clerk of the Peace, and delivered by him within six weeks after *Michaelmas*.

The Bishops Chancellour and three Justices may call to accompt and examine the bestowing of money upon Bridges and High-ways, and punish the detainer thereof, 14 *Eliz.* 3. 39 *Eliz.* ca. 18.

offen. 2. 14 The same procces as is used in the Kings Bench, shall be used upon Indictment, upon repair of Bridges and High-ways, or such as the Justices shall think fit, 22 *Hen.* 8. cap. 4. Neither shall there be Ditch, Bush or underwood within 200 foot of one side or other of any common High-way, if it be the Lords default, and robbery be committed, he must answer, and he that is Lord of a Park must cleanse it 200 foot from one side to the other, or a sufficient wall, pale, rail, ditch or hedge that offenders may not passe.

Of Homicide.

THE killing of one man by another is homicide, if he live in the Kings protection, it differenceth not whether he be English man, Alien or Denizen, *Lamb.* 237.

It is felony to kill one attainted of treason, felony, or outlawed, for felony, or in *premunire* is felony, for he ought to be legally executed. *Stamford* 13.

Homicide may be either in a *felo de se*, or another;

ther; a *felo de fe*, the King by forfeiture hath all his Chattels real and personal, and debts upon specialty, but no Lands, neither is there any corruption in his blood. *Dalt.* 240. No forfeiture till death. An Infant forfeits nothing, but a Lunatick in his *Lucidis intervallis* forfeits his goods.

Homicide may be two wayes, voluntary or involuntary: Voluntary is murder, and man slaughter, which is when two not *felco animo* fight suddainly, and one kills the other.

Man slaughter may likewise be by *se defendendo*, or *Chance Medley*, in his person, house or goods, it is felony, man-slaughter by *Chance Medley*, but the Law gives him his Clergy.

Where two are fighting together, and one breaks his weapon, and a stander by lends his Sword, with which the other is killed, this is the lender manslaughter.

Two meet that were fallen out, and are made friends, and fall out again, and one kills the other, it is man-slaughter only.

It is but *Chance Medley* where the Servant fights in his Masters defence, although malice in the Master, or a stranger suddainly taking part.

Where a man in *se defendendo*, kills one in defence of himself, his Goods or Lands or person that he is bound to defend from peril, he in this case forfeits his Goods, and shall have his pardon of course, but he shall flie as far as a rail, pale, ditch, in safeguard of life, that his necessity of defence may seem inevitable, and shall then be committed till the time of his triall, it matters not whether he strike again, if before he give the mortal blow he fly to the strait.

In case a man flies to a strait, as to a pale or wall.

H a

wall, and holding out his Sword, and the other runs upon it and is slain, this is adjudged *se defendendo*, and his goods are forfeited; if he fell on the ground and so is slain, nothing is forfeited, for then he could not fly; and he that is killed in such kind is a *felo de se defendendo*. *Stamf. 16.2.* It is no matter if there were former malice, unless he wait for him, or set a place to fight or strike the first stroke.

Where one falls to the ground, his flying to a strait is not necessary.

A man may justify the killing of a man who is robbing or killing of his master, in defence of his masters person or goods, if not otherwise to be avoyded. An Officer or Minister of Justice in his Offices execution is not bound to fly to a wall, *Coke 9. part 98.*

He that shall kill any offender in a Forrest, Park or Warren after a Hue and Cry to keep the Peace, if they render not up themselves, but fly or defend themselves by violence, it is no felony.

If a thief come to rob me, I may justify the killing of him in defence of my life, house or goods, my house being in or neer the High-way or otherwise, or Burglarly to break my house in the night. *Lamb.* speaks of one entring by force in the day, and killing in the dark.

A man may justify to beat him that comes to put him out of possession, or take his goods, not kill him except he be a thief. He that comes to burn my barn, I may shoot, or my servant, but to kill a true man in defence of Lands, House or Goods, is Man-slaughter.

That Homicide that is involuntary, is by misadventure or necessity; the misadventure is when any shall do any lawfull act, having evil purpose killeth

a man, in this case he forfeits his goods, and shall have his pardon of course for life and lands.

So likewise it is misadventure in a Father or Mother, Schoolmaster or Tutor correcting, either of these; or a Mason or Carpenter let any thing casually fall from a House or Cart, and gives warning.

But it is otherwise, a man doing an unlawfull act though he hath no evil intent, and kills a man, yet this is felony, as shooting and casting stones in High-ways where men travell.

If one be slain in jesting, or playing at foot-ball, or wrestling, hand-ball and other sports, and receiveth a hurt, and dyes within a year and a day, *Quere*, if felony of death, or may have their pardon of course. Or casting a stone by accident, and one slain by the fall of a house, or killed by any beast, as Bull, Bear or Horse, if it be not in the default of another.

That which moves to death is *Deodand*, *Quasi Deo datus*, and so is forfeited to the King, or the Lord that hath the Royalty.

The forfeiture is from the stroke given, the *Deodand* is not due till the matter of Record be found.

The Jury must apprise the *Deodand* that findes the death of a man, the Sheriff shall be charged with the prize, and shall levy the same on the Town, it therefore behoves the Town to see it forth coming, *Stamford 21.* If the party slain be under 14. nothing forfeited as a *Deodand*.

Homicide may be committed in doing execution according to his office, but this cannot be called properly Homicide but Justice; if the officer doth not observe order of Law, then it is felony in the Officer.

It is felony in a stranger to put one to death condemned to die ; neither may the Judge that condemned him put him to death.

Homicide in some cases the Law doth allow of, as one that hath a Warrant to arrest one indicted for felony, upon resistance killeth him.

Any one may arrest a Felon upon a Hue and Cry, and if he resist he may kill him. The Gaoler killeth a prisoner that attempteth to escape, it is not felony.

Divers conducting a Felon to the Gaole, if he offer violently to make his escape, they may kill him and it is not felony.

Where Justices come to resist Rioters, forceable Entries or Detainers, and they will not yield themselves, if they are slain it is no felony.

This hath been taken to be no felony where an Officer by verue of the Kings Warrant arrests one for debt, trespass or other action, and is resisted, and killeth the resister. *Vide Coke lib. 4. fol. 40. 41.*

Where a true man is killed in defence of his Lands or Goods, it is homicide by necessity.

There must be inevitable necessity in all these cases, that the offender could not be taken without killing.

Of Horses and Mares.

THe party that hath his Horse stolen, within six months may make his claim before a Justice, after the sale thereof, the proof to be by two witnesses, within 40 dayes next ensuing the claim, *31 Eliz. ca. 12.*

The Justice hath power to give the buyer an Oath,

Oath what Money he payd, so that the right owner paying the same may have his horse.

There must be appointed in every Fair, by the owner of it a place for sale of horses, and a sufficient man deputed to take toll, or for every default to forfeit 40 s. and answer the party-grieved, 2 & 3 *Phil. & Mar. ca. 4.*

Where there is a sale of a horse not agreeing with the Statute in all things, it is voyd.

The Horse must 4 hours at least be in the Fair or Market.

All parties must come to the Book keeper with the horse, that concern the bargain, and must take perfect knowledge of the seller and voucher, of the Christian name, surname, mystery and place of dwelling.

And the voucher must know the seller, and tell the Book-keeper his Christian name, surname, mystery, and dwelling of himself and seller.

There must be a perfect entry of the sellers name, and place of dwelling, and the true prize, 31 *Elizabeth. ca. 12.*

Although it be booked afterward all Horses sold out of Fair or Market are voyd.

If the buyer knowes it was anothers horse, the sale in Fair or Market shall not alter the property.

To alter the property, all horses or other goods must be sold in such places or Shops as are usual of such sale or goods.

He that hath stolen a horse, entering it in the Toll-book by a false name, makes the sale voyd to the owner.

Of Horse-bread.

HE that is a common Baker, and hath been Apprentice seven years to the trade, shall not make horse-bread in his house, in any Corporate or Market Town, 32 Hen. 8. 41. 21 Jac. 21.

An Inne-keeper that hath been Apprentice by the space of seven years, may make horse-bread in his house, being a thoroughfare Town, not a City or Town Corporate, or Market, 21 Jac. ca. 21.

It must be according to the prizes of Corn, sufficient and lawfull according to the Assize, 21 Jac. ca. 21.

The penalty for the first default is to be fined, the second, imprisonment for a moneth without bayl, third to stand in the Pillory without any redemption by money, fourth, never to keep an Inne again, 21 Jac. ca. 21.

Of Hospitals.

IN any place where there are Hospitals, the Bishop and his Chancellour with two Justices of Peace, may charge those that have received the revenue for Hospitals to accompt, employing the over-plus to the use of the Hospitals, 14 Eliz. ca. 5. 29 Eliz. ca. 18.

Of Houses for Mans habitation.

Houses in Law are teamed a mans Castle for his defence, and doth protect him from the arrests of any Subject.

In some cases it is a protection against the Kings Pre-

Prerogative, as it hath been adjudged, for that Salt-peter-men may not digge in any mans house against his consent. *Coke lib. 11. fol. 82.*

A man may justifie the killing of any Thief or Murtherer, that shall attempt to rob a man in his house, and shall forfeit nothing. *Coke ibid.*

Of Houses of Correction.

THE Statute of the 7 *Jac. cap. 4.* appoints houses of Correction with backslides and implements fit for the setting idle persons at work, to be in convenient places in every County, before *Michael, 1611.* and one to be chosen by the greatest part of the Justices, to be the Overseer of those idle persons for setting them on work: The penalty is $\frac{1}{2}$ l. for every Justice of Peace, the one half to the Informer, the other towards the erecting of the house.

The major part of the Justices of Peace, at the Quarter Sessions next after the erection of the house, shall appoint the Master of the said house, who is to set on work such idle persons as are sent thither, by moderately correcting them and whipping them. *Vide le Statute ut supra.*

What Rogues have been punished and apprehended, the Constables shall twice a yeer come before the Justices to certifie, *ibid.*

And those Constables that shall not convey such persons to the house of correction as the Justices shall commit thither, shall be fined to pay so much as by most of the Justices shall be assessed, being under 40 s. *ibid.*

He that is Master of the house of Correction must give sufficient security for the performing the place,

place, and shall have so much quarterly, as by most of the Justices of Peace shall be thought fit, to be payd by the Treasurer, or the master to levy it in such sort as the Treasurer may.

He that is master of the House of Correction must quarterly yield an account to the Justices of such as have been committed, or else be fined at the pleasure of the bench.

Those that have a Family, and threaten to leave them upon the Parish, upon the Oath of two witnesses shall be sent to the house of Correction, unless they give security to discharge the Parish, 7 Jac. ca. 4.

She that shall have a Bastard, for the first offence shall be sent to the house of Correction one year, the second offence to be sent thither again till she finde sureties for her good behaviour not to offend so again, *ibid.*

The Master shall be fined, if any committed be troublesome to the Countrey by their going abroad or escaping, by the major part of the Bench, the penalties not limited by this Statute must be payd to the Treasurer, and he to be accomprable to the Justices.

Of Hunting and Hunters.

HE that shall hunt in any Corn eared of any mans, without his consent, with Spaniels or any other Dogs, one Justice may examine the matter, and if he see cause binde over the offender to answer it at the next Sessions with good surerries, or pay the penalty appointed by the Act of 23 Eliz. ca. 10.

¶ If any Justice of Peace have notice of unlawfull hunting

hunting any Deer or Conies in the night, in any Disguise, in Forrest, Park or Warren, he may make a Warrant to the Sheriff or other for his apprehension, to bring him before him or some other Justice, if he conceal it it is felony in the concealer, but confessing the truth, it is but fineable, 1 Hen. 7. ca. 7. It is likewise felony to disobey the Warrant by making any Rescous, so to hinder the execution of it.

If the Justice please, after examination taken, he may binde over the offender to his good behaviour, that he may be forth coming to be further examined.

Unlawfull hunting, committed by three or more will prove a Riot.

The Statute of 7 Jac. ca. 13. sayes, that they which shall enter by night or day, into any ground enclosed for preserving Deer or Conies, and chasing or killing, upon conviction, imprisoned three moneths without bayl, and there to continue till treble damages be payd, and costs to be assessed before the Justices by whom the conviction was, or to the party 10 l. for a Deer so taken, finding sureties for his good behaviour for seven years, 3 Jac. ca. 13. 7 Jac. ca. 13.

Those that have offended by 3 Jac. ca. 13. in Parks or inclosed grounds, made after the Statute without the Kings License, they may upon this Statute award process by Indictment, Information, Bills of complaint, or other Actions wherein no Effoyne shall lie.

Any not having Lands of the value of 10 l. per Ann. of Inheritance, in his or his wives right, or for life 30 l. per Ann. or Goods worth 200 l. keeping a Grey-hound, shall be imprisoned three moneths

moneths without bayl, except he pay to the Churchwardens 40 s. for the use of the poor of the said Parish, 1 *Fac. ca.* 7.

Any that hath Lands in Fee Simple or Fee Tail, or that hath any Lands worth 100 l. *per Ann.* that finds any that shall use Guns, Bowes, Dogs or Engines in the hands of any that hath not 40 l. Lands *per Ann.* nor is worth 200 l. in Goods, any that hath 40 l. *per Ann.* may take them from them, except Warreners, or others that have Lands enclosed for keeping Deer or Conies, 3 *Fac. ca.* 13.

A Spiritual person not having a Benefice of 10 l. *per Ann.* or a Lay person 40 s. *per Ann.* that shall keep either Ferrets or Doggs to hunt, a yeers imprisonment.

Of a Hundred.

THose that are robbed, the Hundred and the Liberties belonging shall be taxed towards the robbery, by two Justices, one of them being of the *Quorum*, 27 *Eliz. ca.* 13.

There must be notice given of the robbery by the person robbed, to some Inhabitant neer the place where the robbery was committed presently, or else he shall have no action against the Hundred, upon the Statute of 27 *Eliz. ca.* 13. and commenced within the year, and must be examined by the next Justice upon Oath, within twenty dayes, if he knew the robbers or any of them.

Before the action brought, if he knew any of them before the said Justice, he shall be bound to prosecute the offenders at the next Assizes, and then if the Robbers be not taken within 40 dayes, the Hundred shall answer the damage. If it be out of

a Town, and a man slain, and the Murderer escapes in the day, the Hundred shall be charged. And an offence done in one Town, a Jury in another may present it.

If any of the Offenders be taken, the Hundred is freed, yet if a house be robbed, though in the day, the Hundred is not charged.

The Hundred is not charged with any night Robbery, yet it shall be though before Sun-rising or Sun-setting, if it be day light, *Coke 7. part 6.* In the pursuit if any of the Thieves be taken, the Hundred is not lyable, if one of the Robbers only be taken, the Hundred shall be amerced only.

Of a Hue and Cry.

ANy Justice may by his Commission binde over the Officer that follows nor the Hue and Cry, and he shall be attached to answer it before the Justices of Gaole-delivery.

A Hue and Cry shall be made from Town to Town, County to County, both by Horsemen and Footmen, or else it is not a lawfull pursuit of the malefactors.

It is Burglary for any to pretend a Hue and Cry, and then to enter into any mans house, and then to binde them in the house and the Constable, and rob them.

The Justice is entituled by the first *Assignavimus*, to cause Hue and Cry, fresh sure and search to be made against any Murtherer, Robber, Thief, or other Malefactor.

The Officer ought to send to every Town round about when any Robbery is committed in any Town a Hue and Cry.

For

For a default in a Hundred of a Hue and Cry the Inhabitantes shall satisfie a moiety of such Moneys as shall be recovered against the Hundred where the Robbery was committed.

It is necessary when that a Hue and Cry goe out to make a true description of the Thieves, and of the things taken, and to search all places suspected and persons any way likely to be suspicious, and to bring them before a Justice to be examined.

That man that shall raise a cauteless Hue and Cry, shall be arrested as a publick disturber of the peace.

Of Jesuits and Seminary Priests.

When any Jesuit, Seminary Priest, or any within holy Orders shall land in any County in England, any Justice of that County, hearing of their landing, may within three dayes after send for them, and examine them concerning their submission, oath or obedience to the King, or the reason of their coming over, according to the Statute provided concerning Religion, 27 Eliz. ca. 2.

When any such Priest is landed within the Kings Jurisdiction or Dominion, every one by the Law is bound to give notice to the next Justice or superior Officer within ten dayes after, upon the pain of fine and imprisonment, and then the Justice or Officer is within 28 dayes after to signifie them to the Privy Council, the penalty is 200 l. 27 Eliz. ca. 2.

It is felony in any, to receive Jesuits or Seminary Priests, contrary to the Statute. 27 Eliz. ca. 2.

Any

Any that are brought up in any Colledge of Jesuits or Seminary Priests, that shall arrive in England within six moneths after Proclamation made to that purpose, may within two dayes after their return take the Oath of Supremacy, before any two Justices of Peace, being no Jesuits or Seminaries, 27 *Elix. ca. 2.* 1 *Elix. ca. 2.*

He that shall make a discovery of any Recusant, Seminary or Popish Priest to any Justice of Peace within three dayes, or of any Male, to have been said, any being present, by whose information any shall be taken and convicted, he shall be freed from the danger of the offence, and have the third part of the forfeiture, 3 *Jac. ca. 5.*

Of Inditements.

AN Inditement is the Jurors Verdict that is charged upon them, for to inquire of any offence presented to them.

In every Inditement there must be certainty contained, and therefore these things are requisite.

The name, surname and addition of him that is indited.

The year, day and place where the offence was committed.

The persons name on whom the fact was committed.

The name and value of the thing taken.

The manner of the fact, and nature of the offence, as the manner of the treason, felony or trespass.

The Principals name must be contained in the Inditement of the Accessary.

No *Alex. dicitur* shall make the Misnomer of an Inditement good.

It

It may be *cujusdam ignoti*, where the name of the offender is not known, because the forfeiture is for the Kings advantage.

An Inditement that supposeth the fact done a day not come is not good.

Where the stroke is one day and dyeth the next, the Inditement doth suppose the day he dyed.

If there be layd in the Inditement any certainty whereby the day and year may be known, it is sufficient.

Any offence done before midnight must suppose the day before, if it is after, the day after.

There needs not be put down the day and year where either that a presentment or an Inditement is that A. hath not cleansed such a Ditch.

That Inditement is not good that supposeth an offence done at two several times.

Of the certainty of the place.

All Inditements are voyd if no place be named, or a place be named, and there be no such place, 18 Hen. 6. ca. 12. 9 Hen. 5. ca. 1.

If the blow or the poysoning be in one County, and the death happen in another County, if the Inditement be in the County where death ensued, it is good, 12 & 3, Edw. 6. ca. 24.

Of certainty of the Person to whom the Offence was done.

Goods taken in a mans life, and he maketh his Executor and dieth, are called *Bona Testatoris*.

The Parson of a Church his Goods are called *Bona Rectoris*.

The

The Churches Goods, are named *Bona Parochianorum in Custodia Gardinariorum.*

If the Maior dyeth before the Inditement, the Goods of the Maior and Comminalty may be called *Bona Communitatis*; yet *Quere*, because they have no such name of Corporation.

For Goods taken after a mans death are *Bona Testatoris in custodia Executorum.*

Goods hanging over a Tomb, *Bona Executoris.*
A Gravestone, *Bona Ecclesie.*

Suppose I have Goods taken by a Trespasser, and taken from him again, the Inditement shall be *Bona* of him that had the last possession.

You may say *Bona Capelle in Custodia*, or *Bona Domus*, or *Ecclesie tempore vacationis*, it is good.

The name of the thing must be comprised.

In trespassse or felony *Bona & Catalla* is not good, if the things be dead, it may be expressed by *Bona & Catalla*, but they must certainly be named.

If living there must be expressed the quality, as *Equum, Bovem, Ovem*, &c.

The value must be declared, that it may appear whether petty larceny or felony.

No Inditement of things that are *feræ naturæ*, as Deer, Hares, Partridges, Pheasants, or the like, is good, unless they were in a Park or Warren that hath Liberties.

For Charters, their value cannot be esteemed.

If of living things, the Inditement must be of *precii*.

Of dead things in the singular number.

So of things that be by weight and measure.

Likewise of Coin not current.

In the taking of Doves in a Dove-house, or young Hawks in a Wood, there it must be *precii* or *ad valenciam*.

Coy

Coyne current carrieth its value with it.
You must name the fact and manner of the offence.

Of the nature of the Offence.

AN Inditement for Treason must have this word *Proditorie*, or else you may plead in abatement to the Writ.

An Inditement for murder must have *murdravit*, and this word implyeth, *ex malitia premeditata*.

An Inditement for Burglary must have *Burglavit*.

For felony this word *felonice*: So for petty Larceny.

In Rape *felonice rapuit*. *Furatus* seemeth good without *felonice*.

In felony *cepit* alone, or *abduxit*, or *asportavit*, is not good.

In trespassse or felony the words *contra pacem* must be used. In Forceable Entry, *Vi et armis* are needlesse.

Against a Statute, *Contra formam Statuti in huiusmodi casu editi & provisi*.

Where many Statutes concern one offence, *Contra formam diversorum Statutorum*, &c.

Of Acquittal, and where one may be indicted for the same Offence again.

WHere an Inditement was voyd for want of sufficient matter concerning felony.

Where the Triall was in a wrong County.

Where the parties names were mistaken.

When the Inditement first was as Principal,
the

the second as accessory to the same felony after the fact.

Where one shall not again be indicted.

THough the Inditement be by another name, if known by both, if it suppose the same felony done in another year.

Where the Process were erroneous.

Inditements taken at the Sheriffs turn lawfully, must be taken by the Justices, and by them be recorded, 1 Edw. 4. ca. 2.

Unlesse there be two Justices, one of the *Quorum*, no Inditement can be taken, or inquiry made.

An Inditement upon a penal Statute must be within two years, where the King only must have the forfeiture.

In case of a common person one year only, except the Statute doth otherwise direct.

Where a Constable presents a fault that belongs to his Office, in the Sessions, and allowed by the Inquest, it is good, otherwise of no validity to ground an Inditement upon.

Upon any penal Act a man may be indited for the King.

A man shall be indited of such a Village in *Parochia de A.* and not of the Village only, or of the Village in such a Parish is sufficient.

Crompt. hath this observation, *Si sit de pecunia numerata exprimere debet numerum & genus pecunie, si massa rudis, valorem, si formata, qualitatem & precium, si sit pannus, colorem, precii, & numerum ulnarum, si animal, genus, pilum & precium, & quod felonice cepit illud contra pacem.*

Of Informations.

IT is not much material whether an Examination against a felon be upon Oath or not, *Lamb.* 213, 214, 215. *Crompt.* 194. 2. *nu.* 5. do best approve of it upon oath, and so do the Judges.

A Justice cannot warrant the taking out of Process against any at the information of a private person, unlesse where the Statute doth expressly warrant it, as the Statute of the 5 *Eliz.* ca. 4. of Labourers, the Statute 5 *Eliz.* ca. 21.

Within two dayes after examination, Such information as a Justice shall take against a felon, must be put in writing by the Justice, 2 & 3 *P. & M.* ca. 10.

Where an information is various, as in the year and day against a felon, it is not to be credited.

He that shall bring a suspicious person, and will not inform, it is good to binde him over to give in evidence.

You may see the manner of a Recognizance against a Felon in *Lamb.* 214, 216.

It is not needfull to recite the Statute in an Information for the King, whereupon the bill is framed.

Of Informers upon penal Statutes.

IF that any Informer shall compound any offence upon which he hath commenced any suit upon any penal Statute, without a license, or the consent of some of the Courts at *Westminster*, forfeits 10 l. and to stand in the Pillory being convicted thereof at the next Quarter Sessions, 27 *Eliz.* 10. 18 *Eliz.* ca. 5.

Upon

Upon penal Statutes all actions upon any offences must be brought in the County where it was committed, upon the plea of *Nil debet*, or *Non cul.* the Plaintiff must prove the offence to be done in the County.

Unless the Informer will take his Oath that the offence was committed in the same County, within a year before the exhibiting of the Information, no Officer in any Court, shall receive, file, enter or record any bill or information, 21 *Jac. ca. 4.*

Of Ingrossers.

THE Law terms an Ingrosser, that contracts for the buying of Corn on the ground to sell again, or any dead victual there is excepted in this Statute, those that buy Oats or Barly to make Oatmeal and Malt, Badgers, Drovers, not abusing their License, and forain Commodities, are likewise excepted, and Salt, 5 *Edw. 6. ca. 14. 5 Eliz. 12. 13 Eliz. 25.*

Of Inholders.

THAT Inne-keeper that takes any thing for his Litter, or above a *ob.* in a Bushell for his Oats, above the Market-price or excessively for Hay, loseth four times the value, 13 *Rich. ca. 4. 21 Jac. ca. 21.*

A Constable can compell an Inn-holder to lodge strangers.

That Inne-keeper shall incur the penalty of the Statute 1 *Jac. ca. 9. 1 Car. ca. 4.* that shall suffer a Non-inhabitant to lye tipling in his house.

Within the Statute are all Inne-keepers, Taver-

Wines and Alehouse-keepers. *Vide le Statute 1 Jac. 9.
4 Jac. 5. 1 Caroli 4.*

Of Inrollments.

AN Inrollment of Deeds of Bargain, and sale, may be taken by one Justice with the Clerk of the peace, if the land lye in the same Countrey, and the fee is 1 s. a piece, of the Land not exceeding 40 s. *per ann.* if it do, 2 s. 6 d. a peece, if he take above, he shall be fined, 27 Hen. 8. ca. 16.

Of Issues.

BY the Statute of the 27 Eliz. ca. 7. the Sherfff that gathereth other Issues then are estreated, forfeits 5 Marks, and the forfeitures of the Issues of Jurors must be levyed by the Records of execution, awarded by the Justices, 27 Eliz. ca. 7.

Of Judgements.

Judgements must be according to the Statute, where the Statute appoints the punishment.

Where the Justices gives judgement, and there be ambiguity in it, they must forbear till the Judges come, if they do proceed, the judgement is not voyd, but must be reversed. See in *Lamb.* the Commission it self, § 68.

Judgement is to be taken and ransomed upon Riots, Trespasses and such other offences, where no forfeiture is set down,

Of Jurors, Juries, and who may be
Jurors, and who not.

Jurors ought to be honest and legal men.

Jurors attainted in conspiracy, *Decies tantum*, perjury and concealment, are not *probi homines*, their presentment is *ipso facto* voyd, unlesse there be twelve beside not blemished, outlawed, abjured, condemned in a *Premunire*, attainted of treason, felony. Women, Infants under 14 years of age, Aliens, Clergy-men.

Jurors must inhabit in the County where they serve and have Freehold of 40 s. *per Ann.* in Cities or Burroughs 40 s. in Goods.

Jurors for the trial of Indictments in the County Palatine of *Lancaster*, must have 5 l. *per Ann.*

The Sheriff that returns a Juror 70 years old, or decrepit, must serve if the Justices please, but then he hath his remedy to sue the Sheriff upon the Statute of *Westm.* or he may have his Writ *De non ponendo in Assis & Juratis. Westm. 2. ca. 38.*

He that is exempted, must shew the Sheriff his Charter with these words, *Licet tangit nos*, and upon appearance shall be discharged.

No exemption can discharge the want of sufficient Jurors.

It is no discretion in the Justices to suffer any to be impannelled, to be allyed to any that procures the presentment, though the presentment is good.

Then to be renewed with a *Tales* from Sessions to Sessions, it is better to take a *Tales de Circumstantibus*, if the particular Juries of the Hundred cannot be supplied by those of the Hundred. One Jury

in one Hundred, may present the offence done in the other, and the Sheriff may be commanded by the Justices to alter the Pannel, and he refusing forfeits 20 l. 3 Hen. 8. ca. 12.

The Justices upon cause may remove a Jury-man. The presentments are voyd unlesse all the Jury-men be sworn, yet the Record being that all are sworn, the presentments are good, though all not sworn.

If a Jury be adjourned after swearing to another time, they may be sworn again; at the least there must be 12 Jurors, but there may be more, it is best to have them odd, yet if 12 do agree, the rest cannot deny it.

The Jurors upon an Inquiry shall nor be kept without victual, nor committed to a keeper, nor carryed out of Town, yet they may be adjourned to another place to give up their verdict. The Jurors that conceal offences wilfully, and complained of by bill, may be complained of by those that cannot dispend above 40 s. per Ann. such concealment must be so made within the year after, 3 Hen. 7. ca. 1. The Juror that discovers what they have done, shall be fined, and the Juror taking any thing to be favourable in the presentment, shall be imprisoned and ransomed, 5 Edw. 3. ca. 10. but none must be returned without his addition, 27 Eli. ca. 7.

Of the Justices of the Peace.

A Justice of Peace is a Judge of Record, and Justices of Peace were created as you may read in the 1 Edw. 3. ca. 15. He can take a Recognizance of the Peace, which none but a Judge of Record can doe.

When

When a Justice of Peace hath Jurisdiction of the Cause, his Warrant is not to be disputed by the Constable, neither is his testimony: For in some cases it is greater then the Oath of 12 men, as in cases of Force, Riots and Presentments of Highways.

He that shall officiate in the Office of a Justice of Peace before Oath taken shall be fined, he hath no power but in the County where he is Justice, and unlesse some Statute gives him power he hath none out of the County, or for some Record or matter of Peace or Felony. A Justice cannot execute his Office concerning himself, yet if he be assaulted he may commit him to prison. And *Crompt.* saith he may record a forceable Entry committed upon his own possession, and commit the Offender.

A Justice may binde one to his good behaviour, that commanded to keep the Peace and answers he will not, he must proceed by prescription and Statute, and he may examine upon Oath, where the Statute referres it to his discretion.

Except upon the Statute of Labourers, one Justice ought not to binde over to the Quarter Sessions, for a fault committed against a Statute. And all Justices of Peace are conservators of Rivers in his Countrey.

The Judges of Assize, or the Lord Chancellor *pro tempore*, have power to put the Justice out of Commission, that gives not remedy to him that is grieved, in any case that may be heard, determined, and executed by him. 4 *Hen. 7. ca. 12.*

One Justice of Peace may command all between 15 & 16 years to be sworn to the Peace, charge the Constable to arrest all suspected to be Robbers
of

of men, Drawlatches, and Wasters, may make Hue and Cry, and search to be made upon it by Officers after thefts and robberies, enjoin Watches for suspected persons, Night-walkers, High-ways to be enlarged, and two Constables to be chose in every Hundred to forbid Fairs and Markets in Church-yards.

That Justice that shall take bond in his own name, and not in the Kings, touching the King, shall be imprisoned, 33 *Hen. 8. ca. 39.*

All Justices at their Sessions are in equal authority, *vide Crompt. 122. 2. nu. 33.* and must send their Prisoners to the common Gaole, 5 *Hen. 4. cap. 10.*

If a Felon be brought before a Justice of Peace, though it appear to him that he is not so, yet he cannot free him otherwise but that he must come to his triall, else it will be an escape in the Justice.

Where one is arrested for suspicion of the killing a man, and after the Constable that arrested him hath knowledge that he is guiltlesse, and that it was out of malice, he cannot let him at liberty, but he must be delivered by due course of Law, yet in Felony it is otherwise. No Justice can command one to come before him out of the County where he is Justice.

A Justice of Peace may do these things
Virtute Officii.

A Justice of Peace may give day to the party to bring in a Record that is before other Justices, that is pleaded by way of Justification, and may likewise record a Demurrer upon evidence.

A

A Justice upon a supposal that an Indictment may be voyd, and have discharged the Prisoner, they may upon change of their opinions stay him any time before Judgement.

Justices of Peace cannot acquit Felons by Proclamation, if there be no prosecution, they are to be kept till the Justices of Gaole-delivery come.

Justices of Peace ought not to suffer the King to receive any prejudice if they may lawfully prevent it: And the Justice of Peace may take issue with one that pleadeth in the absence of the Kings Attorney, that pleadeth a Pardon, that he is one of the parties excepted.

* Where any Writ is grounded *contra pacem*, a Justice may enquire, as in the action upon the case, trespassse or deceit, and of all manner of felonies at the Common Law, or given by any Statute, and all trespassses done against the Peace of the King.

Where a Justice shall plot or conspire with another to indict a stranger, he shall be punished as a stranger, but not for any thing done in Sessions by him as a Judge.

If one Justice doth curb the other, he hath no remedy, because they are all fellow Justices, and are impowered alike, unlessse the King will remove him; but where there is an abuse either in words or actions, it seems the rest may binde him to the Peace.

The Statute concerning the wages of Knights of the Shire for Parliament-men, may be determined by a Writ of Enquiry for the King, or else they may bring their action. *Vide de Statute 3 Hen. 6. ca. 11.*

When a Justice of Peace justifies any thing as a Justice,

Justice, he needs not shew his Commission, for that the *Custos Rotulorum* hath, and at the Assizes and Sessions, he is called by the Commission.

If a Record be in the hands of a Justice of Peace, and afterward he is discharged of his place, he cannot certifie the Record without a *Certiorari*, though he be afterwards made a Justice again.

Where one abuses a Justice, he may bring his action for himself, and indict him for the King.

A Justice of Peace shall not be punished for any thing done in his place ignorantly but wilfully, neither shall he suffer for any business he hath done *Judicialiter*, but the Officer.

One breaks the Peace within the view of a Justice of the Peace, and he certifies it into the Kings Bench, he shall be fined without traversing of it.

A Justice of Peace that is of the *Quorum*, ought to be resident in the County where he is Justice. A Justice of Peace was put out of Commission for refusing to take Surety for the Peace. *Crompt. Jurisdiction of Courts*, 3. b.

By the Statute of 15 Rich. 2. ca. 2. one Justice may Record a Forceable Detainer upon his view, but for a Riot or Rout there must be two Justices with the Sheriff, 13 Hen. 7. ca. 4.

A Justice upon a penalty by his Precept commands one to appear the next Sessions, who makes default, there shall be no *Scire facias* then if there had been a *Subpoena*, but the party shall be attached to answer his contempt next Sessions.

If an assault be made in a Corporate Town the Justices of the County shall not meddle there, but at the Assizes it is otherwise.

Of Indictments and Processe.

AN Indictment for information is but an accusation or declaration against a man, and the end and intent thereof is to force him to answer, and Processe hath his name from *Procedere* to proceed or go forward either originally or judicially: The Sheriffs and their Bailiffs did use to arrest men in their Turns or Law-dayes, but by the Statute 1 Edw. 4. ca. 2. they lost their power, it was put into the hands of the Justices of Peace. The Processe upon Indictments are first a *Venire facias*, if the party be returned sufficient then a *Distingas*, and so infinite till he appear, but upon a *Nihil habet*, a *Capias alias plures & exigent*; these are the ordinary Processe, (excepting Felony or greater Offences) as whether they be Trespases against the Peace, or Contempts against penal Lawes, unlesse otherwise provided by the Statutes upon which the Indictment is grounded.

The Processe upon an Indictment of Felony or Treason, or counterfeiting Money is a *Capias* only. Vide 3 Hen. 5. 7. Neither is there any other Treason that a Justice of Peace have power to award any Processe upon, the Processe at the common Law in felony was but one *Capias* and an *Exigent*; the old presidents grounded themselves upon the Statute of the 25 of Edw. 3. ca. 14. do speak of two Writs before the *Exigent*, for that the Statute provideth, after the return of a *Non est inventus* upon the first *Capias*, a second *Capias* shall be awarded, whereby the Sheriff is commanded to seise the Goods and Chattels of the indicted, untill the return of the Writ, then if he come not, and a

Non

Non est inventus be returned, the *Exigent* shall be awarded, and the *Chattels* forfeited.

A Justice of Peace hath power to send into a forain Countrey, where before by the Common Law none could be attached upon an Indictment or Outlawry of Felony, but in the Countrey where he was indicted, which did incourage many wicked men, whereupon the Statute 5 *Edw. 3. ca. 11.* was made, that Justices of Peace might send their Writs to any Countrey in England where the Felons had hid themselves.

Indictments of several kinds.

For stealing a Purse with Money in it.

South. *Jur. pro Dom. Rege super sacram. suum, presentant quod J. D. nuper de B. in Com. pred. T. 6 die J. Anno Regni Dom. nostri Caroli Secundi Dei Gra. Angl. Scot. Franc. & Hibern. Regis, Fidei Defensor. &c. xii. apud B. predict. in Com. predict. in quodam loco vocat. E. vi & armis in quendam R. R. de B. predict. G. S. insult. fecit et viginti solidos in Pecuniis numeratis in Crumena ipsius R. adtunc et ibid. invent. de predicta crumena ipsius R. R. clam et inscienter ab ipso R. R. felonice cepit et asportavit, contra pacem dict. Dom. Regis, Coronam et dignitates suas.*

Against the stealer of a Horse, and his after-Accessory.

S. *Jur. &c. presentant quod A. B. nuper de C. in dicto Com. Gilder, 20 die Augusti, Anno, &c. vi*

vi et armis, &c. quoddam stabulum in domo mansio-
nali cuiusdam D. infra parochiam de M. in Com. pred.
existen fregit ac intravit, et unum spadonem, Anglice
a Gelding, coloris albi, precii 61 lb. de bonis et ca-
tallis ipsius D. tunc ib. existen. invenit. felonice furat.
est, cepit et abduxit contra pacem, &c. Et quod E. E.
super de C. predict. in com. predict. H. sciens prefat.
B. feloniam predictam apud C. predictam in Com.
predict. modo et forma predict. fecisse et perpetrasse,
idem tamen A. B. apud C. pred. in Com. predict. 31
die dict. Mensis Augusti Anno supradicto in hospitium
suum post feloniam commissam recepit contra pacem,
&c.

For keeping an Alehouse without License.

S. Jur. &c. presentant quod A. B. de C. in Com. pred.
Ygoman, 6 die Novem. Anno, &c. continue mul-
tis diebus postea, scil. usq; primum diem Decemb. prox.
sequen. apud C. predict. obstinate et ex autoritate
propria, et sine ulla Justic. pacis dicti Dom. Regis ad-
missione aut collatione assumpsit super se custodire, et
custodivit unam communem Tabernam, Anglice a com-
mon Tipling house, et ibid. dicto sexto die et diver-
sis diebus tum postea custodivit et publice servitiam et
potum vendidit, Anglice Beer and Ale, diversis dict.
Dom. Regis ligeis et subditis, contra formam Statuti,
&c.

Against a common Baretor.

South. Jur. &c. presentant quod A. B. de &c. in Com.
predicto T. 2 die Oct. Anno, &c. apud C.
predict. in Com. predicto, fuit et adhuc est communis
Baretor et Pacis Dom. Regis perturbator assiduus et
publi-

publicus, nec non communis et turbulentus calumniator
et pugnator et litium inter vicinos suos seminator, adeo
ut diversas lites et controversias adtunc et ibid. et alibi
in eodem Com. inter diversos dict. Dom. Regis ligeos
et subditos movit et excitavit in magnam Pacis dict.
Dom. Regis perturbationem, ac contra formam diversorum
Statutorum huius Regni Angl. in huiusm. casu edit.
et provisi.

For taking of Conies in a free Warren in the Night.

South. *Jur. &c.* presentant quod J. D. nuper de A. in
predicto T. primo die Oct. Anno, &c. vñ
et armis, &c. baculis, arcibus et sagittis ac aliis Ar-
mis defensivis, Parcum seu liberam Warrenam predict.
R. apud A. predict. in Com. predicto, circum horam
decimam in nocte ejusdem diei fregit et intravit, et in
eodem Parco sive libera Warrenam cuniculos et lepores
retibus illicitis, vocat. Purse-nets, sine licentia dict.
Rich. venabat, et 40 cuniculos precii 13 s. 4 d. de
bonis et catallis ipsius Ri. adtunc et ibid. invent. cepit
et asportavit, ad grave dampn. ipsius A. et contra pa-
cem, &c.

For taking a Distresse contrary to the Statute.

South. *Jur. &c.* presentant quod quidam A. B. de C.
in com. predicto, Yeo. primo die Sept. Anno,
&c. apud S. predict. in Com. predicto duas vaccas de
bonis et catallis cujusdam R. S. de predict. in com.
predict. Gen. et quinque solidis in pecuniis numeratis
irra-

irrationabiliter et expresse distrin. et pro districtione cepit sibi tempore districtionis et captionis predictarum quarum quolibet predictarum vaccarum precium capitis eorum non valet viginti solidis, in contempt. dist. Dom. Regis, et contra formam Statuti, &c.

For Burglary in a dwelling house.

South. **J**ur. &c. presentant quod J. D. nuper de H. in Com. predicto, Labourer, prima die Julii, Anno, &c. vi et armis domum mansionalem cuiusdam R. R. Gen. noctanter, videl. intra horas nonam et duodecimam post meridiem ejusdem diei, felonice et burglariter fregit et intravit, et quadraginta libras in pecuniis numeratis de bonis et catallis predict. R. R. in quadam Cista in domo predicta adtunc et ibid. invent. felonice cepit et asportavit, contra pacem, &c.

For ingrossing of Barley, to sell again.

South. **J**ur. &c. presentant quod A. B. de C. in Com. predicto, Yeoman, primo die Novemb. Anno, &c. apud C. predict. in Com. predicto, ac diversis aliis diebus et vicibus, tam antea quam postea, diversa grana, videl. 40 quarteria Hordei, &c. ad valenc. &c. emit et grossavit, et in manibus suis tenuit, ea intentione ad revendend. grana predicta, contra formam Statuti, &c.

For the decay of a Bridge over the Kings High-way.

South. ff. **J**ur. &c. presentant quod pons publicus et communis, situs in alta Regia via super flumen de M. infra Parochiam de A. in Com. predicto, vulgarit. dict. A. est et per aliquos annos jam prox. elapsos fuit valde ruinosus et in maximo decasu ob defectum reparationis, adeo ut subditi Domini Regis in super trans vel ultra pontem predictum, per se cum equis vel carriagiis redire aut transire sine magno vite discrimine non audent aut possunt ad commune nocumentum omnium vicinorum in dicto Com. S. habitant. quorum interest ratione negotiorum suorum illac transire. Et quia proisus nescitur qua persona quare terra vel tenementa eundem pontem aut aliquam inde parcell. facere debeat, aut ex antiqua consuetudine reficere et reparare debeat aut consuevit, Precept. fuit Vic. quod venire fac. duodecem, &c.

For using more Trades then one.

South. ff. **J**ur. &c. presentant quod quidam T. D. de E. in Com. S. predict. Baker alias dictus T. D. de E. predict. Miller, a secundo die Junii, Anno Regni, &c. nono usq; primum diem Augusti, Anno, &c. tam artem Molendarii quam Pistoris panis humani apud E. predict. in Com predicto continuavit, usus fuit, et exercuit, in magnum Dom. Regis contempt. et contra formam Statuti, &c.

For

For erecting a Cottage.

S. H. Jur. &c. presentant quod A. B. de &c. 20 die
Aug. Anno, &c. apud D. in Com. predicto,
fecit edificavit et erexit unum Cottagium pro habitatione
ubi revera dictus A. nunquam assignavit aut adjecit
eidem Cottagio 4 acras terræ secundum formam Statuti
sive de terra admensurand. vel computand. de libero
tenemento ipsius D. vel ex hereditate sua jacen. prope
idem Cottagium una cum dicto Cottagio continue occu-
pand. contra formam Statuti, &c.

For Inmates.

S. ff. **J**ur. &c. presentant quod J. D. nuper de W.
in Com. predicto T. 11 die Martii Anno, &c.
locavit, Anglice hath placed, quosdam R. R. et J. B.
subteantes, Anglice Inmates, in quodam Cottagio
ipsius J. D. in C. predict. et predictos R. R. et J. B.
sic ut presertur locat. ibid. a predicto 11 die Martii
Anno supradict. &c. et continue postea usq. diem
captionis hujus inquisitionis, videl. per spacium unius
mensis integri & amplius in Cottagio predicto volun-
tarie permittit, Anglice hath wilfully suffered, contra
formam Statuti, &c.

For Battery and Maheym.

S. fl. Jur. &c. presentant quod J. D. nuper de &c.
 primo die Augusti, Anno, &c. vi et armis, &c.
 quoddam clausum cuiusdam R. R. apud E. predict.
 in Com. predict. fregit et intravit et in dict. R. R.
 tunc ibid in Pace Dei et dist. Dom. Regis existen. insult.
 et affraiam fecit, et cum uno gladio valoris quinque
 K 2 solido-

solidorum, quod dictus J. D. tunc et ibid. in dextra manu sua tenuit eundem R. R. crudeliter vulneravit ac dextrum pollicem dict. R. R. uno ictu tunc ibid. amputavit ac eundem R. nequiter et felonice tunc et ibid. mahemavit, ad grave nocumentum ipsius R. R. ac contra pacem, &c.

For stealing a Hog.

S. ff. Jur. &c. presentant quod J. S. nuper de A. in Com. predicto T. primo die Jan. Anno, &c. apud C. predict. in Com. predicto, vi et armis, &c. clausum et domum cuiusdam A. B. de C. in Com. pred. fregit et intrauit, et unum Porcum coloris Red Speckled, pretii decem solidorum de bonis et catallis ipsius A. B. ad tunc et ibid. invent. felonice furatus est, cepit, et abduxit, contra pacem, &c.

For Robbing by the High-way.

S. ff. Jur. &c. presentant quod ubi A. B. &c. in pace Dei et dict. Dom. Regis in Regia via in Parochia de C. in Com. predicto fuit, venit quidam J. S. &c. felonice; et ut Felo Dom. Regis in predict. A. B. insult. fecit, et ipsum ad tunc et ibid. verberavit, vulneravit, et male tractavit: Ita quod, &c. et 20 s. in pecuniis numeratis de bonis et catallis ipsius A. B. circum ipsum A. B. ad tunc et ibid. invent. existent. felonice furatus est, cepit, et asportavit, contra pacem, &c.

For keeping Hounds contrary to the Statute.

S. ff. Jur. &c. presentant quod quidam J. S. nuper de C. in Com. predicto, Labourer, non habens terr.
neo

nec tenementa feod. officia seu Annuitat. ad valenc.
40 s. per Ann. ult. reprisos tenet et servat Canes ve-
naticos et Leporarios, et iisdem usi sunt venari in diversis
partibus juxta E. predict. videl. apud predict. E. B.
et alibi in dicto Com. S. et Lepores et alia animalia
venand. cepit contra pacem, et contra formam Statuti,
&c.

For breaking a Barn.

S. ff. **J**ur. &c. presentant quod J. S. de C. in Com.
predicto, Labourer, tali die et anno, horreum cu-
jusdam J. C. de E. in Com. predict. Yeoman, fregit
et intravit, et quatuor modios Hordei, Anglice 4 bushels
of Barley, ad valenc. 20 s. de bonis et catallis cujusdam
J. C. adtunc et ibid. invent. felonice cepit et asportavit,
contra pacem, &c.

For breaking a House in the day-time.

S. ff. **J**ur. pro Dom. Rege presentant quod J. D. nuper
de C. in Com. predicto, Yeoman, primo die
Julii, Anno, &c. apud C. predict. in Com. predict.
circa horam tertiam post meridiem ejusdem diei, domum
mansionalem cujusdam J. B. de C. predict. in Com.
predicto, Gen. fregit et intravit, et decem libras in pe-
cuniis numeratis in quadam Cista tunc et ibid. existent.
de bonis et catallis ipsius J. B. apud C. predict. in
Com. predict. adtunc et ibid. invent. felonice furatus est,
cepit et asportavit, contra pacem, &c.

For a Riot.

S. ff. *Jur. &c.* presentant quod A. B. nuper de M. in Com. predicto Teoman, aggregatis sibi quamplur. malefactoribus et pacis dict. Dom. Regis perturbatoribus ignotis, ad numerum, &c. apud S. in Com. predict. Riotose et Routose se illicite congregat. et tunc & ibid. in J. et W. ad ipsos interficiend. insult. fecer. et ipsos R. et W. tunc et ibid. verberaver. vulneraver. et male tractaver: Ita quod de vitis suis desperabantur, contra pacem, &c. et contra formam Statuti, &c.

For a Rescous.

S. ff. *Jur. &c.* presentant quod J. et S. de N. in Com. predicto, Teoman, die et Anno, &c. apud N. predict. in Com. predicto, vi et armis, in et super J. D. et ad tunc et ibid. insult. fecerunt 4 Vaccas quas in et super terram suam dampn. faciend. cepisset, et secundum consuetudinem Ville predictae ibid. imparcari voluisset ab eodem J. D. riotose ceperunt et abinde contra voluntatem ipsius J. D. abduxerunt contra pacem, &c.

For shooting a Hand-gun contrary to the Statute.

S. ff. *Jur. &c.* presentant quod quidam A. B. &c. non habens terr. nec tenem. feod. sive Annuitat. ad usum suum propr. annui valoris C. l. tali die et Anno, &c. apud E. predict. in Com. predict. sagittavit in quodam tormento, Anglice a Hand-gun, contra formam Statuti, &c.

Against

Against a Brewer for selling of Beer to an unlicensed Alehouse-keeper.

S. ff. **J**ur. &c. presentant quod T. R. nuper de M. in
Com. predict. Beer-brewer, primo die Augusti
Anno, &c. apud C. in Com. predict. vendidit et delibe-
ravit cuidam T. B. de C. predict. qui tunc vendidit
potum Lupulatum tanquam communis Tabernator, An-
glice a common Alehouse-keeper, eodem T. B. non
habente aliquam Licenciam in robore ad vendend. Cer-
viciam vel Potum lupulatum, sex Barrells Poti Lupulati,
Anglice Beer and Ale contra formam Statuti, &c.

For a Forceable Entry and Detayner.

S. ff. **J**ur. &c. present. quod A. B. C. et D. &c. primo
die Maii, et Anno, &c. vi et armis, &c. illicite
et manu forti apud S. in Com. predict. unum Messuagium
et duas acras terre cum pertin. adtunc in et super pos-
sessionem cuiusdam J. S. existen. pro termino annorum
tunc et adhuc ventur. adiunc et ibid. intraver. et in-
gressum fecerunt, et ipsum J. S. a possessione sua predicta
inde adtunc et ibid. vi et armis illicite et manu forti
expulit et ejecit a predicto primo die Maii, anno supra-
dicto, usq; &c. de predicto Messuagio, &c. cum pertin.
vi et armis illicite et manu forti extratenuer. et adhuc
extraten. in dict. Dom. Regis contempt. ad grave dampn.
&c. et contra pacem, &c.

Against a Constable for Arrearages.

S. ff. **J**ur. &c. quod A. C. de D. existen. Constabu-
larius Dom. Regis de S. in Com. predicto in et
K 4 pro

pro Anno Dom. 1636. non solvit pecuniam debit. per inhabitantes Hundredi predicti per quem ipse per formam Statuti inde priviſi perſolvere debuit Chiriis patrocii Com. predicti, Anglice the County Stock, pro militibus mutilatis, Anglice maimed Souldiers, pro Banco Regis et Mariscalsea, ac pro Gaola et domo correctionis, videl. &c. pro quarterio unius Anni finit. ad Festum, &c. Anno regni, &c. iisdem terris sic ut prefertur debit. contra formam Statuti, &c.

For false Measures.

S. ff. **Jur.** &c. presentant quod A. B. Limeburner, tali die et Anno, diversis diebus et vicibus tam antea quam postea apud D. usus est quadam falsa mensura, videl. uno corbo, et uno modio pretend. quod idem Corbus continebat in se unum plenum modium, ubi revera idem Corbus multo minor est quam Standard. Dom. Regis. Ac quod idem A. per eandem falsam mensuram infra primum diem Maii, Anno, &c. et diem, &c. vendidit diversis Dom. Regis subditis in modis falsis, contra formam Statuti, &c.

For fishing in anothers water.

S. ff. **Jur.** &c. presentant quod T. C. de E. in Com. predicto, et A. W. de predict. T. 20 die April. Anno, &c. clausum cuiusdam R. B. apud C. in Com. predicto, fregit et intravit, et in separali Piscaria sua rivulo ibid. Piscar. et piscem inde, videl. (recite the Fishes) ipsius D. ad valenc. &c. cepit et asportavit, et alia enormia ei intulit, ad grave dampn. &c. et contra pacem, &c.

For

For Extortion in an Office.

S. H. **J**ur. &c. presentant quod T. W. de F. Yeoman, Ballivus Hundredi de S. in Com. predicto, 6 die Jan. Anno, &c. apud L. in Com. predicto, 20 s. colore Officii sui extorsit et injuste adiunc et ibidem de G. P. de L. predict. cepit, ad grave dampn. ipsius G. contra Leges et Statuta huius Regni Angli. ac contra pacem, &c.

For not obeying a Justices Warrant.

S. H. **J**ur. &c. presentant quod E. W. de P. in Com. predicto, Yeoman, 20 die Martii, Anno, &c. pro W. B. de P. predict. Yeoman, capt. fuit pro Warrant. F. Arm. unius Justic. dict. Dom. Regis ad Pacem in Com. predicto conservand. nec non ad diversas felonias, transgr. et alia malefacta, in eodem Com. perpetrat. audiend. et terminand. assignat. sibi direct. ad ducend. predict. E. coram prefat. T. F. Arm. aut alio Justic. dict. Dom. Regis ad pacem, ad inveniend. sufficientem securitatem pro bona gestura, et ad comparand. ad prox. Sessionem Pacis tenend. apud M. tunc prox. sequen. pro Com. predict. predictus tamen W. B. tunc Decimarius ibid. existens minime curans et perpendens custodiam predicti E. eundem E. tam negligenter custodivit quod idem E. a custodia dict. W. ad largum quo voluit recessit et escapiavit, contra pacem, &c.

For not coming to Church.

S. H. **J**ur. &c. presentant quod W. P. de C. in Com. predict. Vidua, existens etatis 21 Annorum
et

et amplius infra quatuor menses prox. ante 5 diem Junii, Anno, &c. non accesserat, Anglice did not repair ad suam Ecclesiam Parochialem de C. predict. nec ad aliquam aliam Capellam, vel locum usualem communis Precationis absq; aliqua bona vel rationabili excusatione fore absens abstinuit per totum tempus predict. contra formam Statuti, &c.

For using unlawfull Games.

S. ff. **Jur.** &c. presentant quod E. W. de S. in Com. predict. vid. primo die Novemb. Anno, &c. vi et Armis apud L. predict. in Com. predict. in domo sua ibid. custod. et manutenet Ludos illicitos, Anglice Cards, ac diversas personas male gesture et dispositionis inhonestas, ad Ludos illicitos predict. exercend. adtunc et ibid. hospitavit et manutenet, contra pacem, &c.

For digging in the Kings High-way.

S. ff. **Jur.** &c. presentant quod H. T. de S. in Com. predict. Yeoman, Vi et armis, &c. in Regia Via ducunt. A. F. usq; C. juxta locum ibid. vocat. K. fodit, et quandam foveam in Regia via predicta fecit in latitudine quinque pedum valde nocuam et periculosam; Ita quod subditi Dom. Regis ut antea usi fuerunt, ire aut equitare nequeunt, in magnum nocumentum diversorum dict. Dom. Regis subdit. ac contra pacem, &c.

For Murder.

S. ff. **Jur.** &c. presentant quod J. B. nuper de B. in Com. predict. H. 20 die Apr. Anno, &c. apud E. in Com. predicto, Vi et armis, videl. gladiis, baculis et aliis armis nocivis, ex malicia premeditata timorem Dei

Dei præ oculis non habens, in quendam J. D. nuper de S. in Com. predicto L. adtunc et ibid. in pace Dei et dict. Dom. Regis insult, fecit, et ipsum J. D. cum quodam gladio precii quidq; solid, quem adtunc tenuit in manu sua, super latus suum sinistrum, prope cor suum felonice percussit, et eidem J. D. adtunc et ibid. mortalem plagam dedit, de qua quidem plaga idem J. D. adtunc et ibid. instanter moriebatur. Et sic idem J. B. adtunc et ibid. modo et forma felonice interfecit et murravit, contra pacem, &c.

For stealing Lead from a Parish Church,

S. ff. Jur. &c. present. quod J. G. nuper de H. in Com. predicto, Mason, 20 die Marcii, Anno, &c. Vi et armis apud C. in Com. predicto, 229 li. plumbi ad valenc. 30 s. tunc existent. fixi super Ecclesiam Parochialem de C. predict. a predicta Ecclesia Parochiali de C. predict. in Com. predict. adtunc et ibid. invent. dirulsit, cepit et asportavit, contra pacem, &c.

For a Rape.

S. ff. Jur. &c. presentant quod S. F. nuper de S. in Com. predicto A. 10 die Aprilis, Anno, &c. vi et armis apud S. predict. in Com. predicto, in quandam S. G. puellam etatis decem annorum in pace Dei et dict. Dom. Regis nunc existen. insult. fecit, et adtunc et ibid. eandem S. felonice contra voluntatem ipsius S. rapuit, carnaliter cognovit ac nequiter abusus est, contra Pacem, &c.

For

For taking Wooll from the Sheeps backs.

S. R. **J**urat. &c. presentant quod N. H. nuper de
O. in Com. predict. L. 13 die Maii, Anno,
&c. Clausum cuiusdam H. C. apud C. predict. in
Com. predict. fregit et intravit ac lanam 4 Ovium
valoris 3 s. de bonis et catallis H. C. apud O. predict.
in Com. predict. à corporibus Ovium predict. expilavit
et ipsam lanam sic evulsam, felonicecepit et asportavit,
contra pacem, &c.

Of Rebellion.

S. R. **J**urat. &c. presentant quod W. L. nuper de
P. in Com. M. Yeoman, G. B. nuper de eadem
&c. ac quamplur. alii falsi proditores, Rebelles, et ini-
mici ignoti Dom. Regis ex assensu voluntatis, et pro-
posito diversorum aliorum falsorum proditorum et
inimicorum Dom. Regis, videl. L. nuper Comitis W.
et J. nuper Comitis K. qui nuper autoritate Parlia-
menti dict. Regis apud Westm. ult. tent. de diversis
proditionibus versus dictum Regem infra Regnum Angl.
factis convicti. et attincti. existent. quarto die Martii
et die Mercurii, et diebus Sabbati et Dominice prox.
post Festum Pentecostis, et diversis diebus antea et
postea, Anno, &c. apud P. in Com. predicto, insimul
se congregaverunt, et inter se communicaverunt quo-
modo ipsi per pifat. J. nuper Comitem W. et complices
suos cum eis adtunc et ibid. super mare in navibus suis
(us falsi proditores) existent. per nimiam potestatem.
predict. J. nuper Comitis W. ac pifat. Comitis K.
et

et aliorum falsorum proditorum et inimicorum Dom. Regis de eorum Covina et falso proposito existant. usque Regnum Angl. potuerant producere, et dictum Dom. Regem et Dominos suos tam spirituales quam temporales per totum posse suum ipsum Regem de Regia potestate sua, et gubernatione Regni predicti per nimiam potestatem penitus deprivare, et gubernationem Regni predicti super se accipere et retinere, per ponentes credebatur que adtunc et ibid. predict. W. G. et alii falsi proditores et Rebelles predict. maxima pars totius Regni Angl. cum eisdem falsis proditoribus in falsis opinionibus suis stare voluisset, et ad illum falsum et nefandum propositum suum finaliter perimplend. predict. W. et G. et alii falsi Proditores et Rebelles, dictis die et Anno, apud P. predict. vi et armis, scil. Gladiis, Arcubus, Sagittis, Loricis, Duplodibus defensivis, et aliis Armaturis, &c. insurrexerunt, et predictum S. nuper Comitem in Cibus et Potibus erga Dom. Regem falso et proditorie confortaverunt, auxiliaver. et supportaverunt, et iisdem nuper Comitibus in manibus suis predictis (ut falsi Proditores) ad proditoria sua proposita predict. perimplend. et perficiend. inierunt et permanserunt, scientes ipsos nuper Comites in forma predicta sic attinct. et convict. in finalem destructionem dict. Dom. Regis, ac contra Legantiam, &c.

For

For stealing Sheep.

S. J. **T**He Jury, &c. present that *J. G.* late of *E.* in the County aforesaid *L.* 20 day of *June*, in the year, &c. by force of Arms at *E.* aforesaid, 4 Ewe Sheep, price 20 s. of the Goods and Chattels of *J. D.* then and there found, feloniously did steal, take and drive away, contrary to the peace, &c.

For beating a Childe with Rods, till she dyed.

S. J. **T**He Jury, &c. present that *M. B.* late of *D.* in the County aforesaid *L.* the 1 day of *August*, in the year, &c. at *P.* aforesaid in the County aforesaid, one *W. E.* being in the Peace of God, and of our Sovereign Lord the King did assault, and the said *W.* then and there feloniously with rods did whip, and then and there upon the belly of the said *W.* did tread, giving to the said *W.* divers mortal wounds, of which wounds the said *W.* from the first day of *August* to the first day of *January* following did languish, which aforesaid first of *January* the aforesaid *W.* at *D.* aforesaid, dyed of the wounds aforesaid, and so the aforesaid Jury do present that the aforesaid *M.* the day and yeer aforesaid, at *D.* aforesaid, in the said County in manner and form aforesaid, did feloniously kill against the peace, &c.

For stealing of Geese and against the Receiver.

S. J. **T**He Jury, &c. present that *R. H.* late of *K.* in the County aforesaid *L.* the 6 day of *June*,

June, in the year aforesaid, with force and Arms at *K.* aforesaid, in the said County, two Geese, price 2 s. of the Goods and Chattels of *A. T.* then and there found, feloniously did steal, take and carry away, against the Peace, &c. And furthermore the Jury present that one *J. S. de K.* aforesaid, Hempdreller, knowing the said *R. H.* the felony aforesaid to have committed in form aforesaid, to wit, the said 6 day of *Jan.* in the year aforesaid at *K.* aforesaid, in the County aforesaid, the said *R. H.* with the said two Geese did feloniously receive and conceal against the peace, &c.

For breaking into a Mill, and stealing Money and Wheat.

8. *J.* **T**HE Jury, &c. present that *J. D.* of *N.* in the County aforesaid *M.* 1 day of *A.* in the year, &c. with force and Arms the Mill of one *N. R.* in *N.* aforesaid in the County aforesaid did break and enter, and 5 s. in ready Money, and one bushel of Wheat, to the value of 3 s. of the Goods, Chattels and Moneys of the said *N. R.* then and there in the said Mill being found, feloniously did steal, take and carry away against the peace, &c.

For using the Trade of a Pewterer and not being Apprentice to it.

9. *J.* **T**HE Jury, &c. present that *N. B.* late of *C.* in the County aforesaid *L.* the 1 day of *Feb.* in the year, &c. and divers other dayes and times, continually and afterwards, to wit 11 Monerhs
and

and more, at C. aforesaid, in the County aforesaid unlawfully and for gain set up and used the Art, Mystery, or Occupation of a Pewterer, being an Art Mystery or menial Occupation used in this Kingdom, to the 12 day of Jan. next following, in the year, &c. Which Art or Mystery the said N. B. as an Apprentice was never by the space of 7 years bred or brought up in, in the contempt of our said Sovereign Lord the King, and against the form of the Statute, &c.

For breaking a House and Close.

S. J. **T**He Jury, &c. present that R. H. late of S. in the County aforesaid, Yeo. 20 day of Oct. in the year, &c. with force and arms the Close and house of one T. B. at S. aforesaid in the County aforesaid did break, and other wrongs to him did offer, to the great damage of the said T. and against the peace, &c.

For keeping ill Government in his Inne.

S. J. **T**He Jury, &c. present that E. W. late of W. in the County aforesaid J. 20 day of May, in the year, &c. at W. aforesaid in the County aforesaid, hath kept a Common Inne, and the aforesaid 20 day of M. in the said year, and two dayes then afterwards suffered ill government in his house, and did entertain at unlawfull hours divers suspected persons of ill fame, and willingly permitted and entertained them, to the disturbance of his neighbours, and to the evil example of the Kings Liege people, and against the peace, &c.

For

For bewitching of Cattle.

S. ff. **T**He Jury, &c. present that *J. H.* late of *H.* in the County aforesaid, Widow, 1 *Jan.* in the year, &c. and divers other dayes, as well before as afterwards, certain Witchcraft and Charms at *H.* aforesaid in the said County, in, upon, and against a certain Gelding, price 4 *l.* and 50 Weathers, price 10 *l.* of the Goods and Chattels of one *J. T.* maliciously and devillishly exercised and practised, by which the said Gelding and Weathers dyed at *H.* aforesaid, in the said County, against the Peace, &c. and against the Statute, &c.

For letting Cattle goe in the High-way.

S. ff. **T**He Jury present that *F. R.* late of, &c. 1 *Jan.* in the year, &c. and divers other dayes and times as well before as after at *L.* aforesaid, hath voluntarily permitted and yet dorth permit his Cattle to go and feed in the Kings High-way; by which the young Plants of his neighbours hedges are eaten up, and likewise are trodden and spoyled, to the great damage of the Kings Liege people next inhabiting, and against the peace, &c.

For kiling a man by Witchcraft.

S. ff. **T**He Jury, &c. present that *S. B.* late of *C.* in the County aforesaid, Widow, 20 day of *August*, in the year aforesaid, hath used and exercised certain detestable Arts called *Witchcraft*, feloniously, against *J. N.* the day and year aforesaid to the said 24 day of *August* in the year aforesaid,
L.
by

by which diabolical Arts the aforesaid *J. N.* the said 24 day of *August* in the year aforesaid, at *C.* aforesaid dyed, and so the Jury present that the said *S.* the aforesaid *J. N.* at *C.* aforesaid, in manner and form aforesaid, of malice prepensed, divellishly and feloniously by the said Arts hath killed, against the Peace, &c. and against the Statute, &c.

For fighting in a Church-yard.

S. ff. **T**He Jury, &c. present that *J. S.* late of *F.* in the County aforesaid Taylor, the 8 day of *Sept.* in the year aforesaid, in the Church-yard of the Parish Church of *L.* aforesaid, in the said County, did draw his Dagger against one *J. S.* of *L.* aforesaid, Yeoman, with an intent to kill the aforesaid *J. S.* with the said Dagger, against the peace, &c. and against the form of the Statute, &c.

For Burglary in a Church.

S. ff. **T**He Jury, &c. present that *A. B.* late of *C.* in the County aforesaid, Salter, 1 day of *Sept.* in the year, &c. with force and arms, the Parish Church of *C.* aforesaid, in the said County, felonice et burglarit. did break and enter in the night, between the hours of ten and twelve after noon of the same day; and one Challice called the Communion Cup, to the value of 60 s. of the Goods and Chattels of the Parishioners of *C.* aforesaid, then being in the said Church, and then and there found, feloniously did take and carry away, against the peace, &c.

For pulling out ones eyes.

§. ff. **T**He Jury, &c. present that *A. B.* late of *C.* in the Countrey aforesaid, Tinker, 9 day of *Sept.* in the year, &c. in a certain place at *C.* aforesaid, in the Countrey aforesaid, with force and Arms one *D. E.* of *C.* aforesaid, in the said Countrey, Yeoman, being then in the peace of God and our Sovereign Lord the King did assault and beat, and then and there of malice forethought with his nails the eyes of the said *D. E.* did digge out, against the peace, &c. and against the form of the Statute, &c.

For burning a house by day with Gunpowder.

§. ff. **T**He Jury, &c. present that *A. B.* late of *C.* in the Countrey aforesaid, Viſtualler, 8 day of *July*, in the year, &c. to the Mansion house of *E. F.* of *C.* aforesaid, in the said Countrey, with force and Arms, between the hours of 6 and 7. before noon of the said day, came, and with one pound of Gunpowder, to the value of 12 *d.* and a lighted Faggot which then the said *A. B.* then and there in his hands did take, and of malice forethought to the house of the said *E. F.* did put, whereby the house of the said *E. F.* suddenly was consumed and burnt, the said *E. F.* being then and there in the peace of God and our Sovereign Lord the King, and so the aforesaid *A. B.* the said 8 day of *July*, in the year, &c. at *C.* aforesaid, the Mansion house of *E.* aforesaid, in form aforesaid, voluntarily and of the said malice forethought, feloniously did burn and consume, against the peace, &c.

L 2

Against

*Against a Servant that stealeth his Masters
Goods, committed to his custody.*

S. ff. **T**He Jury, &c. presents that whereas *A. B.* late of *C.* in the County aforesaid, Mercer, the day and yeer, &c. in the Mansion house of the said *A. B.* at *C.* aforesaid, in the County aforesaid, had delivered to one *E. F.* of *C.* in the said County, &c. then his Servant, retained for one yeer, being of 19 years of age, 10 *l.* in ready Money, of the Goods of the said *A. B.* to this intent, that the said *E. F.* should safely keep it, to the use of the said *A. B.* then his Master, the said *E. F.* the day and yeer above said, at *C.* aforesaid, in the County aforesaid, maliciously and feloniously with the said 10 *l.* from his said Master departed and run away, with an intention to steal the said 10 *l.* contrary to the trust reposed in him by the said *A. B.* his Master, and against the peace, &c. and contrary to the Statute, &c.

For a Nufance in a Garden.

S. ff. **T**He Jury, &c. present that *J. T.* late of *W.* in the County aforesaid, Yeo. the day and yeer, &c. his Chamber-pots out of his windowes in and upon the Garden of one *S. D.* at *W.* aforesaid, did empty, to the great annoyance of the said *S.* and against the peace, &c.

For breaking Prison.

S. ff. **T**He Jury, &c. present that *W. A.* in the County aforesaid, Gent. one of the Constables of
our

our Sovereign Lord the King, 20 day of *Sept.* in the year, &c. at *T.* in the County aforesaid, did commit one *A. B.* for suspicion of a certain felony, to wit, for the death of one *M. N.* at *H.* in the County aforesaid, which the said *A. B.* feloniously did murder, and for that cause the said *A. B.* under the custody of the said *W. A.* the Constable, in the prison of our Sovereign Lord the King, at *T.* aforesaid, in the County aforesaid, afterwards, to wit, the said 20 of *Septemb.* in the year, &c. And the said *A. B.* then and there being detained, afterwards, the foresaid day and year, at *C.* aforesaid, in the said County, with force and Arms the said prison feloniously did break, and out of the custody of the said Constable then and there again st his will escaped, against the peace, &c. and contrary to the form of the Statute, &c.

Upon the Statute of Ujury.

S. J. **T**HE Jury, &c. present that *A. B.* late of *C.* in the County, &c. Mercer, the day and year, &c. at *C.* aforesaid, in the County, &c. did lend to one *D. E.* of *C.* aforesaid, in the County, &c. Shoo-maker, 20 *l.* in ready Money, of the Moneys of the said *A. B.* with intention that the said *D. E.* should restore and pay to the said *A. B.* the said 20 *l.* 1 *Apr.* then next following, the said *A. B.* then and there unjustly took and had of the said *D. E.* 26 *s.* for the gain and use of the said 20 *l.* of the said *D. E.* from the said 1 of *Octob.* in the year, &c. untill the said 1 of *April* next coming, which said 26 *s.* in manner and form aforesaid, did much exceed the rate of 6 *l.* in the *C. l.* for one years lending, to the great damage of the said *D. E.* and against the form of the Statute, &c.

*For beating a Constable in the execution
of his Office.*

S. J. **T**He Jury, &c. present that whereas *T. H.* being Constable of *D.* in the County, &c. the day and yeer, &c. by vertue of a Warrant to him directed from *J. R. Esq;* one of the Kings Justices for the County, &c. at *T.* had taken and arrested one *W. T.* of *T.* in the said County, Yeo. and him by vertue of the said Warr. in his custody had then and there detained, notwithstanding the said *W. T.* the day and yeer aforesaid, at *T.* &c. in the County, &c. the said *T. H.* being Constable, and in the execution of his Office did assault, wound, beat and evilly intreat, so that he despaired of his health, in the contempt of our Lord the King, the evil example of all his Liege people, and against the peace, &c. *Vide plus, de Indictamentis in Fitzherberts Justice of Peace.*

Of Labourers and Servants.

ONe Justice of peace may license Labourers to go into other Countreyes in Hay and Harvest-time, being under his hand and seal.

Those that be fit to be Apprentices one Justice of peace may upon complaint compell them to be bound, and upon refusal may commit them to the house of correction till they be willing, being poor mens children.

One

One Justice may compell all persons meet to labour by the day in Harvest-time, and imprison the refusers in the Stocks for two dayes and one night, and the Constable refusing forfeits 40 s. *5 Eliz. 4.*

Where there is a complaint of the Apprentice in his ill usage of his Master, one Justice may binde him over to the next Quarter Sessions, whereof 4 Justices, one of the *Quorum*, may discharge the Apprentice: and if there be a default in the Servant, he shall be sent to the house of correction, *9 Jac. ca. 4.*

A Servant retained by the Statute, one Justice may allow of the cause of putting him away, or a departure within his term: but an Apprentice must be discharged by four Justices in open Sessions, *5 Eliz. ca. 4.* and one may send his Warrant to apprehend one that is going away, or send him to the house of correction.

That Servant that shall depart before his term be ended, upon complaint to two Justices, and cause allowed by one of them, or else at the end of his time without a quarters warning given, or hath refused to serve for wages according to the Statute, or promised to serve accordingly and doth not, they may examine the matter, and may commit without bayl them that are faulty, till he be bound to serve, but then he shall be discharged without any fee to the Gaoler.

Either the Servant or Master that taketh greater, or giveth lesse wages then the Statute allowes, the Master may be imprisoned for 10 dayes without bayl, the Servant 21 dayes, and the Master loseth *5 l. per 5 Eliz. ca. 4.*

Any retayner or promise of payment for wages

L 4.

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contrary to the Statute, is *ipso facto* voyd, unless it be in writing, § *Eliz.* 4.

That Servant that shall make any assault upon his Master, or any other that shall set him at work, proved by his confession or oath of two witnesses, two Justices may imprison him for a yeer or lesse, as he thinks fit, or the Justices at Sessions may inflict any other punishment upon him, or binde him to the good behaviour, and so to the next Sessions.

One woman unmarried, sitting to serve, may be compelled, being 12 yeers, and under 40 yeers, either by the yeer, week or day, for such wages as two Justices shall think fit, and refusing may be committed till she be bound.

In these Trades, any Retainer to serve for lesse then the yeer, is voyd, as Weaver, Tucker, Fuller, Butcher, Cook, Sheerman, Dyer, Hosier, Brewer, Glover, Cutler, Smith, Farrier, Currier, Sadler, Spurrier, Turner, Capper, Hat-maker, Felt-maker, Bowyer, Fletcher, § *Eliz. ca.* 4.

None shall disturb, let, interrupt or deny any of these Trades following, the work-men being born within the Realm, or any Denizen in any of the said Crafts, in any City, Burrough or Town Corporate, with any that will retain him or them, though he do not inhabit there, or be Freeman, upon pain of § *l.* the one moiety to the King, the other to the Informer, § *Edw. 6. ca.* 15. as the Trade of a Plummer, Tyle-maker, Brick-maker, Lime-burner, Glasier, Pavier, Sawyer, Joyner, Playsterer, Bricklayer, Mason, Carpenter.

In any of the above recited Trades, any unmarried or under 30 yeers and married, may be compelled to serve, or imprisoned till they doe, upon the request of any, by the Statute § *Eliz. ca.* 4. Except

cept they are lawfully retained with others, or have 40 s. *per Ann.* in Lands, or 40 l. in Goods, or Farm in Tillage. *Vide Lamb. 473.*

None shall receive any retained in husbandry into any other Town or Parish, upon pain of 5 l. and he or she that shall depart without a testimonial, the penalty is 21 dayes imprisonment, and to be whipped. And Labourers nor working so many hours in the day, lose 1 d. an hour, 5 *Elix. ca. 4.* Servants falling sick in service, or not able in body to work, the Master shall not put them away, or abate their wages.

It is imprisonment for a moneth, and forfeiture of 5 l. if he that begins a work with any, departs before it be finished, 5 *Elix. ca. 4.* And the forfeiture is 10 l. for any to take an Apprentice contrary to Law, or using any mystery not being or not having been an Apprentice, 5 *Eli. 4.*

The Justices of Peace may award a *Capias* returnable before themselves, against any servant that is departed into the County where he is now resident, though not Justices in that County, being Justices in the County where before he served, 5 *Eli. ca. 4.* and the sufficiency of the occasion of the Masters putting his Servant off, or Servants departure within his term, must be proved at the Quarter Sessions.

He that retains a Servant, not being able to keep one, such retainer is voyd: And that Servant that shall imbezzle or spoyle the Goods of his deceased Master, and appears not after proclamation in the Kings Bench, it is felony, but not inquirable before the Justices, 33 *Hen. 6. ca. 1.*

Where one is retained in husbandry, not expressing any time, it shall be a yeer according to the Statute:

Where

Where one retaineth a Servant for 40 dayes, and another him for a yeer, the first is voyd, 5 *Eliz. ca. 4.* And there must be some cause allowed by a Justice, or the Servants own agreement, or the Master cannot discharge him.

None can take an Apprentice but by writing, and therefore he cannot be discharged but by writing, *Quo quid colligitur, eodem modo dissolvitur.*

The Law allowes that servant that shall be put away from his Master, wages answerable to the time he served, if no cause to the contrary on the Servants part, but it must be by the help of a Justice, but if the servant depart of his own accord from his service he loseth his wages.

That Master that shall detain meat, drink or wages, from his Servant is a good cause of departure, allowed by a Justice : and likewise that Servant that refuseth his work or service, is in Law a departure, though he stay with his Master still : and a woman married after retainer, must serve out her time.

He that is a servant to another in husbandry, Artificer or Victualler, that shall carry Sword, Dagger, or other weapon, hath forfeited the same, unlesse it be for defence of the Realm, or that he is going with or about his Masters businesse, 12 *Rich. 2. ca. 6.*

The children of poor people, by any two Justices of peace with the consent of the Churchwardens and Overseers may be bound Apprentices, the man-childe till 24 yeers, and woman till 21. 39 *Eliz. ca. 3.* 43 *Eliz. ca. 2.*

To make good a retayner of a Servant not according to the Statute must be by Indenture : and a retainer according to the Statute, and no wages spoken of shall have wages as the proclamation speaks : and a retayner upon condition is good, or without

expressing in what office, and a retainer for life is good; but a retainer for a year to serve when he shall be required not good.

The Law makes this construction, that as soon as he or she are retayned they are presently in service though they come not into their Masters service indeed.

If the Master die, the Executor must pay the Servants wages, according to the Statute, except it be otherwise by Indenture.

Of Larceny.

L Arceny is defined to be the felonious taking anothers goods severed from his person, without his will.

Larceny is divided into Grand and Petty Larceny.

Grand, is where any taken, is taken above the value of 12 *d.* and the punishment is death.

Petty, is when the Goods taken is under 12 *d.* and the punishment is left to the Judges discretion, and forfeits his goods, and if there be sundry petty Larcenies amounting to above 12 *d.* it is death.

If there be many that have committed petty Larceny, and found guilty above the value of 12 *d.* it is death in them, felony being in Law several, as they were in act.

What in Law amounts to Larceny.

HE that shall carry away the Plate given him to drink in.

He that shall convert any Goods feloniously to his own use, being employed to carry them to one place, and carries them to another.

Where

Where a Servant being no Apprentice hath Goods of his Masters in his custody, of the value of 40 s. and runs away with them.

Where goods are brought to a Carryer by the owner, for him to carry, and he converts them to his own use, or he that I shall deliver my key of my Chamber to a man, and he opens the dore and takes away my Goods : or he that shall lie in an Inne, and takes away any of the Goods in the Chamber, with an intent to steal them, and is taken in the house.

Where a Carrier imbezles part of the goods delivered to him, or a servant carries away his Masters Goods that are delivered by his fellow servant to the value of 40 s. and converts them to his own use.

Or where Cloth is delivered to the servant by the Master, and he makes him Cloaths thereof and goeth away with it, or one taken in the manner of stealing a horse, and is taken before he can get him out of the Stable.

Yet the Husband shall not be punished for his wives theft, nor knowing of it ; or if he doe, declining her, and leaves his house.

In what Cases it shall not be Larceny.

IT amounts to Larceny where Goods are pawned to one, and he makes use himself of them, or when one is hired to carry goods to one place, and he carries them to another, and converts them to his use; or where Goods or a Bond is delivered to one, and he receives the Money, or sells the Goods and runs away with the Money ; or where a wife steals Goods her husband being in company, or by his command, yet a *Quere* if it be not by his compulsion. *Vide Lamb.* 282. Or where she steals the Goods of her husbands
and

and gives them to another that knoweth thereof, it is Larceny in neither

Where an Infant, Mad man, Lunatick, or *Non Compos mentis*, deaf or dumb, stealeth.

It is not Larceny in a Receiver that goes away with his Masters Rents, nor in a Servant that hath a horse delivered him by his Master to go to a Fair or Market, or Money delivered to buy Corn or Cartel, and he goes away with it, *Quere*, if not felony by Statute.

Or where Money is delivered to me to deliver to a third person, and the first receiver flies away with it, and then converts it.

Or where a Clothier delivers Wooll to his Spinner who doth imbezzle or sell it; or where I deliver Goods to another to keep, who wastes and consumes them, these are no Larcenies. *Vide Dalr. 264.*

Of Leather.

IF any Butcher shall cut and gash the hide of any Ox, Bull, Steer or Cow, so that the hide is impaired, loseth 20 *d.* or shall put to sale any hide that is rotten, or shall water a hide, unlesse in *June, July, or August*, forfeits for every hide 3 *s. 4 d.* 1 *Jac. 22.* No Butcher shall use the Craft or Mystery of a Tanner; if he do, he forfeits for every day he useth it 6 *s. 8 d. per idem Statut.* or if a Tanner uses the art of a Shoo-maker, Currier, Butcher, or any other Artificer that useth the cutting or working of Leather, loseth the hides and skins tanned, *ibid.*

If any forestall any hides that shall come to Market (except those that kill for the provision of their house) shall forfeit 6 *s. 8 d.* 12 *Jac. 22.* Neither shall any buy tanned Leather or wrought,
but

but such as will convert it into made Wares, except Girdlers or Sadlers, upon losse of their Leather, 1 *Jac. 22.*

The Tanner shall lose the hides that shall raise with any mixtures any hides to be converted to backs, bend-leather, clouting-leather, or any other sole-leather, except the same be sufficient for the use, 1 *Jac. 22.*

The Tanner that shall put to sale any insufficient Leather not well wrought, tanned and dryed, and so found by the Tryers appointed, loseth that which is insufficient. *Statut. ubi supra.*

The Tanner that sets his Fats in Tan-hills or in places where the Woozes or Leather may suffer heats, forfeits 10 L. and three dayes to stand in the Pillory, 1 *Jac. 22.*

The Tanner that useth in tanning only Ash-bark, Oak-bark, Tapwort, Malt, Meal, Lime, Culver-dung or Hen-dung, or suffering any hide to lie in the tan-limes till it be overlimed, or puts any hides into tan-fats before the lime be wrought out of them, or hath let his leather to be frozen or parched with fire or Sun, or tanned rotten hides, or hath not suffered the hides for sole-leather to lie 12 moneths, and the upper leather 9 moneths, or not well wrought the hides in the woozes, or not renewed them as oft as need, or sold leather not according to the Statute, loseth the hides, or the value of them, 1 *Jac. ca. 22.*

Any that puts to sale any tanned leather unwrought, in open Fair or Market, not first searched, or marked and sealed, according to the Statute, loseth for every hide or piece of Leather 6 s. 8. d. for every 12 Calf skins, or Sheep-skins 3 s. 4 d. and the hides and skins, or the value, 1 *Jac. ca. 22.*

A Currier that currieth any leather but in his
own

own house being in a Market Town, or curried any Leather not well tanned, or not thoroughly dryed, or used being wet any deceitfull means to corrupt the same, or curried sole-leather with other then hard tallow, or lesse thereof then the leather will take, or upper leather, or inner sole-leather but with good stuffe, not salt; or not liquored them well, or shaved them too thin, or gashed them, or not sufficiently wrought them, loseth 6 s. 8 d. and the value of every skin except gashing in shaving, and for such gashing as much as the leather is impaired,
1 Jac. ca. 22.

That Currier that useth the Art of a Tanner, Shoo-maker, Butcher, or Artificer that useth the cutting of leather, whilst he useth Currying, forfeits 6 s. 8. a hide.

The Currier that shall refuse to currie any leather within 8 dayes in Summer and 16 dayes in Winter, that shall be brought by any Shoo-maker, or other cutter of Leather, bringing good stuffe for the liquoring the same, forfeits for every hide 10 s.

The Shoo-maker that makes any Boots, Shooes, Slippers or Pantofles, that makes them of *Englishe* leather wet, curried (unlesse Deer, Calves or Goats Skins, dressed like *Spanishe* leather) but of leather well tanned or curried, and well sewed with threed well twisted, waxed and rosined, without mixing Nears and Calves leather in the over-leather thereof, or puts into Boots or Shooes any leather made of Sheepskins, Bull-hide or Horse-hide, or into the upper leather of any Boots, Shooes, &c. any of the flank, shank, neckpole or cheek, either in three soles or double-soled Shooes, other then the flank of any the said hides, or sold between the last of *Sept.* and the 20 of *April*, any Shooes, Boots, &c. for any
 above

above four yeers old, wherein there hath been any dry *English* leather, unlesse Calves or Goats-skins dressed like *Spanish* leather, or sold any ware on Sunday, the forfeiture is 3 s. 4 d. and the value, 1 *Jac.* ca. 22.

All Lords of Fairs or Markets shall yeerly swear two or three honest, able men, searchers and sealers of leather, and 6 honest and expert men to be tryers of the said leather, or else loseth 40 l. and such tryers failing in their duty, forfeit 5 l. for every default.

The searchers or sealers refusing to seal good leather, or sealing bad, forfeit 40 s. Taking bribes or extorting any thing undue, the forfeiture for every offence is 20 l. Refusing the office being duely chosen, 10 l.

He that refuseth to let the searcher to come into any place to search his tanned leather, and to carry away that which is not sufficient, or put away any red and unwrought, not registering the same and the price, forfeits the value, 1 *Jac.* 22.

Of Court-Leets.

ANy that shall make any Fray in a Court-Leet whilest the Steward is in the execution of his office, he may commit him, but cannot grant surety of the Peace, but by prescription.

Of Liberties and Franchises.

THose are nominated Liberties and Franchises that have return of Writs, not such as are Countyes of themselves, as *London*, *York* or *Normich*, but such Towns whose Grants are from the Kings Justices of

of Peace, so as, no other Justice can meddle, 2 & 3 P. & M. ca. 18.

The Liberty shall have their remedy against that Justice that executes his power within any Liberties; yet the executing his authority is good, not being a County. *Vide Lamb. 47.*

Of Libellers.

A Libell that any shall finde against any private person, must either presently be delivered to the Magistrate, or burned.

The Law calls that a Libell that is a scandalous writing, either by Epigram, Book, Ballad, or Rhyme; or by scandalous words, as scoffs, jests, taunts or songs; or it may be by the hanging up pictures, or reproachfull signs, in or neer the place where the party that is reproached goes, or doth most converse, as on the Gallows, Pillory, Horns, Cooking-stool, or the like. *Vide Coke 5. part fol. 125.*

Of Licences.

SO as poor people be provided of relief, and begged not, two Justices may license them to travel to the Baths, or any other place, for cure for their diseases, 39 *Elix. ca. 4.* 1 *Jac. ca. 25.*

The said Statute allows not any to wander or begg, be he never so poor, but being not able to work the Parish must maintain him; for no Justice can give him a License, 39 *Elix. ca. 4.*

Where any are convicted for the abuse of a License to transport Victual, the punishment is imprisonment without bayl, or Mainprize for a year, 1 & 2 P. & M. ca. 5.

M

The

The Licenses for Badgers, Drovers, Laders or Kid-
ders, must be in open Sessions, by three Justices,
one of the *Quorum*, and be renewed yearly. *Vide*
5 & 6 Edw. 6. ca. 14. 5 Eliz. ca. 12.

Where any person that hath suffered shipwrack,
the next Justice where he shall land, must give a
testimonial to such persons, of the landing, that they
may have license to go to the next place of their
birth or habitation, limiting them a convenient time
for their travel, *39 Eliz. ca. 4. 39 Eliz. ca. 17.*
1 Jac. ca. 25.

Of Linnen Cloath.

HE that shall use any deceit in linnen Cloth, as
racking, beating, casting any liquor whereby it
is made worse and uselesse, forfeits the Cloth, and
shall have imprisonment for a moneth, and be fined
as the Justices shall think fit, *1 Eliz. ca. 12.*

Of Logwood or Blackwood.

THose that have offended against this Statute, the
Justice being informed may call the parties be-
fore him by Warrant, and examine them by Oath,
and finding the Offence, either binde them over to
the next Assizes or Quarter Sessions, there to be ad-
judged to forfeit *20 l.* stand in the Pillory one or
more market-dayes, and refusing to be bound, com-
mitted to the next Gaole till he will be bound,
39 Eliz. ca. 11.

Where any Logwood shall be found, two Justices
may cause it to be burned, *23 Eliz. ca. 9.*

Of Long-bowes.

WHosoever shall shoot at standing Pricks above the age of 24 years, under eleven score yards, with Prick, Shafts or Aight, forfeits 6 s. 8 d. 33 Hen. 8. ca. 9.

Of Masons.

Masons that shall gather themselves in Chapters, or Companies, it is felony, 3 Hen. 6. ca. 1.

Of Maintenance and Embracery.

HE that shall maintain and embrace any Jury enquiring of a Riot, forfeits 20 l. and is to be committed to prison as long as the Justices shall think fit, 19 Hen. 7. ca. 13.

All those shall be bound to the good behaviour, that are embracers of Juries and maintainers of quarrels, 33 Hen. 8. ca. 10. 37 Hen. 8. ca. 7.

This is maintenance in the Law, where a man giveth or delivereth to another, be he either Plaintiff or Defendant, in any action any thing to maintain his plea, or useth his best endeavour for him, having nothing to do therein.

The Justices shall with the Sheriff sit to certifye the names of the Riotous maintainers and Embraceries of Witnesses and Juries with their misdemeanour which they know, by which the Riot may appear, upon the forfeiture of 20 l. to every one

(106)
not having a sufficient excuse, 19 Hen. 7. ca.
13.

None but men learned in the Law must speak in the causes of their Clients: for it is Embracery in him that when a case is in triall between party and party, that cometh to the barre to labour with the Jury, having received some reward, or stands by to surveigh or overlook them, to put them in fear or doubt of the cause.

Of a Maim.

A Maim is, if an eye be put out, or the foreteeth broken out, or any thing in a mans body be hurt whereby he is lesse able to defend himself, and offend his enemy; as if a bone be taken out of the head, or a foot, hand, finger or joynt, is become uselesse; or by some wound or cutt, any member is made crooked or shrinks; the Law does adjudge this to be a Maim, he and his Accessaries shall be grievously fined. *Vide the Terms of the Law,*

The Justices of the Kings Bench may make the Triall by their view or inspection, and thereupon encrease the damages, and so cannot the Justices of Peace upon an Indictment of Maim.

In case of doubt whether it be a Maim or no, the Justices of Peace may crave the aid and assistance of some skilfull Chirurgion or Physician, to have their opinion and consideration of it. *Vide the terms of the Law,* and the Indictment of Maheim must be *felonice mahemavit.*

Of Malt.

MAlt made not according to the Statute; any Constable or Bayliff finding the default, with the advice of a Justice of Peace within the Shire, may cause the same to be sold at reasonable prices, under the common price of the Market, as they shall think fit. *Vide 2 & 3 Edw. 6. ca. 16, 17. 27 Eliz. ca. 14. 21 Jac. ca. 8.*

In open Sessions the Justices may restrain the converting of Barly into Malt, 39 *Eliz. ca. 16.*

He shall lose 20 *d.* for every quarter, that shall not let his Malt be three weeks in the Fatt, and on the Floore, steeping and drying, except in the moneths of *June, July and August* then 17 dayes, 2 & 3 *Edw. 6. ca. 16. 27 Eliz. ca. 4.*

Nor shall any sell any Malt that is insufficient with good. *Vide ut supra.*

Neither shall any man sell or put to sale any Malt not well trodden, and out of which for every quarter one peck of dust hath not been winnowed out, *ibid.*

Where two Justices of Peace shall commit to prison any that have been restrayned for making Malt in open Sessions, being by two witnesses convicted, and shall commit him to prison without Bayl or Mainprife for three dayes, untill he become bound in 40 *l.* to perform such restriction, 39 *Eliz. ca. 16.*

Of Mariners.

THe next Justice of Peace may license any Mariner from beyond the Seas, or Seafaring man, having

*20 l. if of 10 m
10 l. if of 5 m
10 s. if of 1 m
paid to the
justice of the
peace*

having suffered shipwrack, being in want to ask
in his travels to his habitation 1 *Jac. ca.* 28.

The King by his Commission cannot take a
Fisherman for a Mariner, unlesse the two Justices
of peace choose him from whence he is taken,
5 *Elix. 5.*

It is felony in any Mariner to forge a testimo-
nial, and carrying it knowing it to be so, 39 *Elix.*
ca. 4. & ca. 27. 1 Jac. ca. 7.

It is felony in any Mariner to depart from his
Caprain without license, or wandring idly with a
forged one, knowing thereof, 39 *Elix. 17.*

When any poor Souldier or Mariner comes from
beyond Sea, and hath repaired to the place of his
birth or last abode, and there cannot get work,
the two Justices next adjoyning may take order to
set him on work, and for want of work there, may
tax the Hundred for his relief, till work can be
had, 39 *Elix. ca. 17.*

It is felony in any Mariner that hath not a testi-
monial under some Justices hands, of, or neer the
place of his landing, setting down the time, and
place he goes to, and the time for his journey:
though he exceed that time 14 dayes, if he have a
testimonial and pursue it, he may ask and take such
necessary relief as is given him.

Of Markets.

HE that hath a Fair or Market, if he do not ap-
point an open place for the sale of Horses,
Mares, Foles, Geldings, &c. yearly, and one that
shall Tole for them, who shall continue there from
ren in the morning untill Sun-set, forfeits 40 s.
for every dayes default, 2 & 3 *P. & M. ca. 4.*

There

There is no property altered of anys Goods or rights in horses, if they be not sold in such places as is commonly used for such things of that nature. *Vide Dalt. 74.*

If the buyer knowes it is anothers goods, the sale in Fair or Market doth not alter the property.

Of Marriages.

IT is felony in any person, that having his or her former husband alive, to marry another, unless they have either of them been beyond Sea, and not heard of each other in 7 years, or absent out of the Kings dominions seven years, not knowing one the other to be living, or were lawfully divorced, or the former marriage in the Ecclesiastical Court published voyd, or marryed within yeers of consent, *1 Jac. ca. 11.* there shall be no corruption of blood, lole of Dower, or any heir disinherited in this case.

Of Masse.

HE that shall sing Masse, forfeits 200 Marks, and a yeers imprisonment: He that shall hear it, forfeits 100 Marks, and the same imprisonment.

Of false Messages.

TWO Justices, one of the *Quorum*, may imprison or binde over to the next Sessions, any that counterfeits Letters, or useth false tokens for the getting of Moneys or Goods into their hand. *Vide 33 Hen. 8. ca. 1.*

Of Misprision of Treason.

HE that knowes any to have committed treason, though not consenting, yet the concealing, it is Misprision of treason in him, and he ought to discover it to the King or his Council, or some publick Magistrate, *Stamford* 37.

It was taken to be Misprision of Treason, in a Minister that had fixed an old Seal to a new Patent for Non-residency. *Vide Terms of the Law*, 131.

He that shall bring Money out of any forain Countrey, or out of Ireland, knowing it to be counterfeit, with an intent to utter it here in England, it is Misprision of Treason, 3 *Hen.* 7. 10.

A Justice sitting in Judgement, to draw a sword at or before him is Misprision of treason: To strike a Juror, the Judge sitting in judgement. *Brooks Contempts* 9. *Fitzherb.* 174.

To either draw a weapon, or strike in *Westminster-hall*, any of the Kings Courts sitting. *Dyer.* 188. *Fitzherb.* 280.

To draw any weapon with an intent to strike any one in the presence of the Justices, or make any quarrell. *Bro. Pain.* 16. *Stamf.* 38. or to make a Rescous of any such offender.

For any to strike in the Kings Court or house, the King being then there: And in this case a judgement was given against an Offender in *Anno* 33 *Hen.* 8. But now the Law is by the 33 *Hen.* 8. *ca.* 12. that such an Offender, though he draw blood in the Kings Court, he shall forfeit neither his lands nor goods, but lose his right hand, be imprisoned during life, and fine at the Kings pleasure.

Where one is arrested at the Kings suit, a stranger

ger Rescues him, and so escapes; it is Misprision of treason in both, the Justices arrest in Law being the Kings.

All Treason and Felony includes Misprision of treason; so that he that hath committed either, may be indicted of but misprision of treason.

For misprision of treason, the forfeiture is Goods and Chattels, and profits of Lands during life, and imprisonment likewise for misprision of felony, only fined and committed by the Justices, till he hath paid his fine. *Brook Treason* 25. *Finch lib.* 2.

All Treasons, misprision of Treason and concealment, done out of the Kingdom, shall be tryed within the Kingdom, either in the Kings Bench, or before Commissioners specially appointed, as you may see *Dyer* 287. 298. *Coke* 7. part 23. 11. part 63. 5 *Edw.* 6. ca. 11.

Of a Mittimus.

M*ittimus* must contain the names of the parties, their offences, and time of imprisonment, that it may appear whether the prisoner be baylable or not.

If one be committed without bayl or mainprise, and the cause is expressed in the *Mittimus*, and yet is baylable, other Justices of the Peace may bayl him: yet *Quere*, seeing their authority is equal.

Of Murder.

THE Law thus defines and construes Murder, that it is when a man upon malice prepened or forethought, kills another feloniously, whether it be openly or privily. 23 *Hen.* 8. ca. 1. 1 *Edw.* 6. ca. 12. and

and the killing shall have relation to the death, and not to the stroke. *Coke 4. part 42.*

There is a malice expressed, as when it is manifest that there was a falling out between them formerly, or a lying in wait to kill another.

Malice implied, when one is suddainly slain without any defence, as one kills the other without any provocation, or is stabbed nor having a weapon drawn, *1 Jac. ca. 8.* or to kill one that is an Officer known, in the execution of the Kings Writs.

Or if an unknown Officer be slain, shewing his warrant, or if he have a warrant though erroneous and killed in the execution, it is murder, for he is not to dispute the authority, but execute it.

If any Magistrate shall be killed in the execution of his place, or in the preservation of his Majesties Peace, it is murther.

Where any Officer comes to suppress any riotous Assembly, or a tumultuous Congregation, one is slain amongst them, it is murther in them all.

Where a true man shall be killed by a Thief, this the Law doth adjudge malice prepensed, and so is consequently murther: Or likewise where a Constable with others, comes to aid in the parting any Affray, that are ready to break the peace, one is slain, although suddainly and in the night, it is murther.

One rook her Infant and hid it in an Orchard, and a bird of prey came and killed it; or one carryed one on his back out of his sick bed into the air, that he dyed; or he that keeps a Bull or any other beast that useth to strike, and he kills a man; it is murther. Here the will of the party shall be taken for the fact, for their intent was to destroy.

One tied another to a horse-tail, and then beat him,

him, and the horse running away with the fright, killed the man, adjudged murther, & Car.

Where any hath sentence of condemnation to die, and a stranger kills him, it is murther. One having malice against another, assaults him, and flies to a pale, ditch or hedge, and then kills the other, this is murther in him, for he killed him in the pursuit of the same malice.

If I command one to beat a man, and he beats him till he kills him, it is murther in the beater and the other that commanded it, if stand by. A Prisoner by extremity, and the hard usage of the Gaoler, died, and it was adjudged murther in the Gaoler.

Where many assemble to commit an illegal act, and one is slain, it is murther in all, though they stood by, and did not assist, and although not present, yet if upon the same ground, or in the house: for all aiders, comforters or abettors are principals in murther.

Where two appoint the field to fight, and meet, and bring company with them, one kills the other, all that came with the murtherer or murdered, are murtherers.

Where two are at Law together, and meet and fight, and one kills the other, *Quere*, if murther: Two meet and fight, upon malice forethought, and one of them kills a stranger that came to part them, it is murther in both.

One robbed an Orchard of the others, and he rebuking him for stealing his fruit, killed him, and it was adjudged murther.

Where one was wilfully poysoned, the party poysoned must die within a year and a day after the poyson received.

Where

Where a Harlot doth endeavour to make away her bastard, either by drowning secretly, or burying of it, to conceal the death thereof, so as it may not come to light, whether born alive or dead, if concealed, shall suffer death as in case of murder, except there be proof by one witness that the Child was dead born, 21 Jac. 27.

Where a man hath a horse that useth to strike, and the master knowing it rides amongst the people, and one is slain, it is felony in the master. There must be in every Indictment *Murdravit*, for *ex malitia sua precogitavit* is too short to supply it.

Of Obedience to the King.

IT is Treason in any that shall perswade any from the Kings obedience, or from the Religion now established in *England*, under the Kings Dominion, or to entice any to the *Romish* Church, or to promise obedience to the same, or if any have been willingly so absolved from the Protestant Religion here established, 23 Eliz. ca. 1.

Of the Ordinary.

THE Ordinary is bound to attend the Gaole-delivery; not so at the Quarter Sessions. *Vide Lamh. 395, 396.* yet in the strictness of it, the Court may allow a Clergy, though there be no Ordinary or his Deputy.

If a felon fail in his Clergy, at his tryall, yet may he crave it at the place of his execution: whereby

by it appears; that the Ordinaries presence is not of necessity, but here the Inditement is where the Felon is adjudged in the Kings Bench, and not at the Assizes, for at the Assizes the Commissions end with their Sessions, but at the Quarter Sessions their Commissions continue, and may allow Clergy without an Ordinary.

And *Crom. 188. n. 56.* saith, one reprieved may desire his Clergy at the next Assizes: For it is not the Ordinary, but the Judges are the judges of the Felons reading; for if the Ordinary should say he reads, and doth not, the Felon may be executed, and the Ordinary fined.

Of Oaths.

THE Oath that any shall take before any Justice of Peace, for the surety of the Peace shall be that it is not upon any malicious intent, that you take the Peace against *A. B.* or for any manner of vexation, but for very fear of your life, and for the preservation of your Goods and Chattels, the oaths of Justices of Peace, of Supremacy, and of Allegiance, *Vide Dalt. 13. & 14, 15. 3 Jac. ca. 4. 7 Jac. 6.*

Two Justices may take the Oaths of the under Sheriffs, their Bayliffs, Officers or Clerks, one being of the *Quorum*, *27 Eliz. ca. 12.*

The defaults of these Officers must be heard and determined in the Quarter Sessions, *27 Eliz. ca. 12.* If any of them do any thing contrary to their Oaths, they shall pay treble damages, *27 Eliz. ca. 12.*

Unlesse it be an Office of Inheritance or Ministerial function, or the practise of the Law Civil or Common, or any liberal Science, as Physick,
Chi

Chirurgery, or the Art of an Apothecary, he that shall refuse the Oath of Allegiance, is disabled for any place of Judicature, or other Office per 7 Jac. ca. 6.

One Justice of Peace may commit to Gaole without Bayl till the next Assizes or Sessions, any that stands indicted for not coming to their Parish Church, or receiving the Communion by the Minister, or the Church-wardens, shall be suspected, and complained of to a Justice, he may be required to take the Oath of Allegiance, and refusing may be committed to the next Gaole without Bayl, being above the age of 18 years, 7 Jac. ca. 6.

Where an examination is only to inform a Jury upon an Indictment, it needs not be upon Oath, but where the Justices examination is the Conviction of the party, it must be upon Oath. In case of Felony it must likewise be upon Oath, or else it shall not be given in evidence against the party.

Those that shall deny the taking of the Oath of Allegiance, required by two Justices, and the taking of the same and the Oath of Supremacy, by a conformed Recusant that returns into England, must be certified to the next Quarter Sessions, 7 Jac. ca. 6.

When the Oath of Allegiance is required at the Sessions, of such as did refuse it formerly, the refusers (except Noble men and women) shall incur the punishment of *Præmunire*, and women Coverts are to be sent to the Gaole without bayl.

The Oath of Allegiance.

"I A. B. do truly and sincerely acknowledge,
"professe, testifie, and declare in my conscience
before

"before God and the world, That our Sovereign
 "Lord King *CHARLES*, is lawfull and rightfull
 "King of this Realm, and of all other his Maje-
 "sties Dominions and Countries; And that the
 "Pope neither of himself, nor by any authority
 "of the Church or Sea of *Rome*, or by any other
 "means, with any other, hath any power or autho-
 "rity to depose the King, or to dispose any of his
 "Majesties Kingdoms, or Dominions, or to autho-
 "rize any Foraign Prince to invade or annoy him,
 "or his Countreys, or to discharge any of his Sub-
 "jects of their allegiance and obedience to his Ma-
 "jesty, or to give license or leave to any of them
 "to bear Arms, raise tumults, or to offer any vio-
 "lence or hurt to his Majesties Royal Person, State
 "or Government, or to any of his Majesties Sub-
 "jects within his Majesties Dominions.

"Also, I do swear from my heart, that notwith-
 "standing any Declaration or sentence of Excom-
 "munication, or deprivation made or granted, or
 "to be made or granted, by the Pope or his Succes-
 "sors, or by any authority derived, or pretended to
 "be derived from him, or his Sea, against the said
 "King, his Heirs or his Successors, or any absolution
 "of the said Subjects from their obedience: I will
 "bear faith and true allegiance to his Majesty,
 "his Heirs and Successors, and him and them will
 "defend to the uttermost of my power, against all
 "Conspiracies and attempts whatsoever, which shall
 "be made against his or their persons, their Crown
 "and Dignity, by reason or colour of any such
 "Sentence or Declaration, or otherwise; and will
 "do my best endeavour to disclose and make known
 "unto his Majesty, his Heirs and Successors, all
 "Treasons and Traiterous conspiracies, which I
 "shall

"shall know or hear of to be against him or any
"of them.

"And I do further swear, That I do from my
"heart abhor, detest and abjure, as impious and
"heretical, this damnable Doctrine and Position,
"That Princes which be excommunicated or depri-
"ved by the Pope, may be deposed or murdered by
"their Subjects, or any other whatsoever.

"And I do believe, and in conscience am resol-
"ved, that neither the Pope nor any person what-
"soever, hath power to absolve me of this Oath,
"or any part thereof, which I acknowledge by good
"and full authority, to be lawfully ministred unto
"me, and do renounce all Pardons and Dispen-
"sations to the contrary. And all these things I
"do plainly and sincerely acknowledge and swear,
"according to these expresse words by me spoken,
"and according to the plain and common sense and
"understanding of the same words, without any
"equivocation, or mental evasion, or secret reserva-
"tion whatsoever. And I do make this recognition
"and acknowledgement heartily, willingly, and truly,
"upon the true faith of a Christian. So help me God.

39 Eliz.

44. Eliz.

1 Jac.

1602 14 B. 2 c. 12

Of the Overseers of the Poor.

ALl Overseers of the poor, shall be appointed yéer-
ly in every Parish in the *Easter* week, or within
a moneth after, under the hands and seals of two
Justices, one of the *Quorum*, that do inhabit in or
neer the Parish, 43 *Eliz. ca. 2.*

The Overseers and Churchwardens, if not hin-
dred by sicknesse or such impediment as 2 Justices
shall think fit, shall meet monethly upon the Sun-
day after Evening prayer, in the Church, about the

or.

ordering of the poor, upon the pain of 20 s. a piece
43 *Eliz. ca. 2.* for every default.

The Quarter Sessions may give a remedy to any
that finde themselves grieved at the taxation of the
Overseers, 43 *Eliz. ca. 2.*

Any two Justices may tax any other Parish (if
the Parish where the poor are, are not able to re-
lieve them) within the same Hundred; if the Hundred
be not sufficient, the major part of the Justices may
tax other Parishes.

Either the Church-wardens or Overseers for the
present or to come, may by warrant levy any Money
or arrearages of any refuser, by sale of their Goods
ordistresse; in default whereof, two Justices may com-
mit them till payment, 43 *Eliz. ca. 3.* and likewise
till accompt be made.

Where the Statute of 43 *Eliz. ca. 2.* gives power
to Overseers to binde Apprentices, they may take
and keep them as Apprentices, and with the con-
sent of two Justices, one of the *Quorum*: in case
there be but one Overseer, he by the assent of a
Justice, may set up or use any trade or occupation
for setting the poor on work in the Parish that he
or they are Overseers, 3 *Car. ca. 4.*

Of Pardons.

EXcept the Pardon be with a *Non obstante*, the
pardon of all felonies will not pardon petty
Treason and Murder, unlessse an expresse mention
be made of the murther; yet, before the Statute
23 of *Rich. 2. ca. 1.* in a Pardon of all Felonies,
was included Murther and petty Treason: neither
will a Pardon of all Felonies acquit a man attainted:

N

of

of all Felonies, unlesse the execution and the Attainder be pardoned.

It lies only in the King to pardon Treason, Murther, or any other felony; and he that hath his Pardon may forfeit it, and be executed in the breaking the Peace. *Vide Crompt. 115.b. nu. 16.*

The Court ought to allow of any general Pardon that is given by Act of Parliament, whether the party concerned will plead it or not. A Pardon in abjuration is not without special words. It is a question whether a general Pardon for petty Treason will help him that is indicted of murther, without the word *Proditorie*: And likewise if a generall pardon be granted (between the blow and the death) for all misdemeanours, it is good for the death.

If there be a pardon of two felonies that is committed by them or either of them, the pardon is of no validity, for any offence done by one of them alone: every pardon ought to agree with the Indictment, in the nature of the offence, and there must be punctually set down the name and addition of the Felon; for a Pardon of all Felonies will not serve for petty Treason, Murther, or any attained of felony.

He that will plead specially a pardon, must do it under the great Seal, and there must be a Writ of allowance with it, that certifies the parties putting in security for the good behaviour, unlesse there be a *non obstante*.

Where any prisoner pleads any pardon, if the Attorney generall be not there, the Justice of peace may take issue, that he is the party excepted. *Stamf. 103.*

By misadventure where one is slain, he shall have his pardon of course, but *in se defendendo* he needs none,

none, yet in both cases he forfeits his Goods. *Stamf.* 15. & 16. *Statute of Glouc. ca. 19.*

For the suing of a pardon of course this is the manner of it: Upon their triall they must plead *Not guilty*, the special matter being found upon the verdict, bayl shall be taken, then the Record must be certified to the Chancellor by *Certiorari*; then they shall have a Pardon of course, under the great Seal. *Stamf.* 15.

Of Parks.

Any hunting or killing of Deer or Conies, by day or night, in Park, Warren, or any inclosed grounds, being by Law convicted, shall suffer imprisonment three moneths, finde bayl for the good behaviour for 7 years, pay treble damage for every Deer killed, 10 *l.* which the party grieved will take, 3 *Jac. ca. 13.*

Of Partridges and Pheasants.

Upon the Statute of 23 *Eliz. ca. 10.* any Justice may examine the Offences concerning the taking of Pheasants or Partridges in the night, and binde the Offenders with sureties to the next Quarter Sessions; and after conviction and punishment take new bond for two years after, not to offend the said Statute 23 *Eliz. ca. 10.*

He that shall shoot at, kill or destroy with any Gun, Long-bow, Stone-bow, or Crosse-bow, any Partridge, Pheasant, House-dove, Pigeon, Mallard, Heron, Duck, Teal, Widgeon, Goose, Heath-cock, or any Fowl or Hare, or take, kill or destroy any

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Partridge

Partridge, Pheasant, Houle-dove or Pigeon, with
letting-Dog or Nets, or any manner of Snares, En-
gines or Nets, shall take or destroy the egges of
any Pheasant, Partridge or Swan, or trace any
Hare in the Snow, or destroy with any Engine
whatsoever, or shall keep any Grey-hound for the
destroying of the Game aforesaid, having not 10 l.
per Annum in Fee Simple, or for life, or in Goods,
200 l. except the son of a Knight, or heir apparent
of an Esquire, the offences proved by the parties
confession, oath of two witnesses before two Justi-
ces of the County where the offence was committed,
or he apprehended, shall be imprisoned for three
moneths without Bayl, unlesse upon conviction he
instantly pay to the poor for every Hare 20 s. for
every Fowl and Egge 40 s. for keeping a Grey-
hound, setting-Dog or Nets, three moneths impri-
sonment, not to offend again to be bound with sure-
ties taken by two Justices, and returned to the next
Quarter Sessions, 1 *Jac. ca. 27.*

Any that shall be convicted of killing Partridges
or Pheasants, with Hawks or Dogs, under colour of
hawking, between the 1 of *July* and the last of
August, within 6 moneths after the offence, before
two Justices, shall be imprisoned one moneth with-
out Bayl, unlesse he pay to the Overseers, to the
use of the poor, 40 s. for Hawking; 20 s. for every
Partridge and Pheasant taken, 7 *Jac. ca. 11.*

He that shall take any Pheasant or Partridge in
any mans ground; with Tramel or Lowbel, except
against his will, and then letting them presently
goe, forfeits 20 s. a Pheasant, 10 s. a Partridge,
23 *Eliz. ca. 10.* Any likewise Hawking in Corn be-
fore it be cut, loseth 40 s.

The buyer or seller of any Hare, Deer, Partridge,

or Pheasant, except they be bred or brought from beyond the Sea, forfeits for every Deer 40 s. for every Hare or Partridge 10 s. One half to the Informer, the other to the poor of the Parish, 1 Jac. ca. 27.

Two Justices may send Warrant to the Constable to search for any Nets, setting Dogs; and finding any may take them, and carry away the Dogs, kill them, and cut the Nets in pieces, 7 Jac. ca. 11.

Vide 7 Jac. ca. 11. who may take Partridges in their own grounds, where any Offendor hath been punished by the 1 Jac. ca. 27. he shall not be punished by any Statute afore that, and the offences mentioned in these Statutes, are to be determined at Quarter Sessions.

Of the Peace.

ANy private person present at any battery, assault or affray, ought to part them that are fighting; if he receive any hurt, he may bring his action, if they make any resistance, he must not hurt them.

Any present may stay an Affrayer till the heat be past, and then charge them with the Constable till they finde security for the peace, but not commit them unless in peril of death, then any may carry them to Gaole, till it may be known whether the party wounded will live or die.

Where one that is wounded is in danger of death, and flies into anothers house, any man that pursues him with a Hue and Cry, may break open the house, enter, and take him.

Where an Affray or other disturbance be to the breaking of the peace in the presence of a Justice,

he may record it, certifie it, and commit the party, and no traverse shall be allowed to any where the Justice certifies it into the Kings Bench, that one hath broken the peace, but shall be there fined.

Of Perjury.

WHere any man shall procure another to commit wilfull perjury in any Court of Record, Court Leet, Court Baron, Hundred Court, or ancient Demefne, got or suborned any witness that is sworn *in perpetuam rei memoriam*, or hath wilfully committed such perjury, forfeits 40 l. Being not able, he shall suffer a yeers imprisonment without Bayl, and be put one hour in the Pillory, and utterly be disabled for a witness for ever, 5 *Elix. ca. 9.* 14 *Elix. ca. 11.*

He that commits the perjury, loseth 20 l. and is never to be a witness again; and if not worth so much, he is to have his ears nailed to the Pillory; This offence may be determined at the Quarter Sessions, 1 *Jac. ca. 22.*

If any officer takes more then his allowed fees, he commits perjury. *Vide Crompt. 57. 6. m. 7.*

Where one commits perjury in deposing falsely upon examination, upon Interrogatories, it is within the Statute of 5 *Elix.* but where it is upon an answer to a bill of complaint, it is not.

Where the conviction is, there the awarding of execution shall be before that Justice of Peace.

Of Physicians and Chirurgeons.

WHere one being neither Physician nor Chirurgeon, shall undertake to cure a sick or wounded man,

man, that dies under his hand, through his ignorance, it was felony till 34 Hen. 8. ca. 8. Yet if a Farrier or Smith shall undertake the cure of any person, either by launcing or letting blood, and he dyes under his hands, it is felony in him still. *Vide Lamb. 240.*

Of the Plague.

THe Justices of peace, and head Officers in any Corporation or places privileged, or any two of them may set a weekly Tax on the Inhabitants or privileged places for the support and relief of persons infected with the plague, 1 Jac. ca. 31. And where the head Officers do certify the Justices or two of them, that such a Hamlet or or Parish is not able, they may tax the Inhabitants of the County within 5 miles of the place infected, for the relief of the diseased, 1 Jac. ca. 31.

Where there comes a Warrant from a Justice of Peace, or head Officer, for the taxing of any person or persons, upon refusal of payment, or not having Goods, he may by another Warrant be imprisoned till he pay it and the arrearages, 1 Jac. ca. 31. And those taxes that are for the relief of the places infected, to be certified to the next Quarter Sessions, to be either so continued, extended, abridged or enlarged, as their necessity shall require, *Statut. ubi sup. a.* And the negligence in levying hereof by the Officer, his forfeiture is 10 s. to be used as the taxes should have been. *ubi supra.*

Those taxes that are levied by any County for the relief of any Corporation infected, shall be ordered by the chief Officer and Justice of Peace of the same Corporation, or any two of them; if no

Justice, then by the Justices that assessed the same,
1 Jac. ca. 31.

There shall be no punishment to those Officers that are appoynted to keep the infected in their houses, if they will resist to be kept in, although the Officers hurt them, *per idem Statutum.*

Where any person infected, shall goe abroad into any company, having an infectious sore uncured, it is felony in him, but there shall be no corruption in his blood, or forfeiture in his goods: and having no sore, his punishment shall be as a Vagrant, *39 Eliz. 1 Jac. 31.* and bound to his good behaviour for a year.

Any that are Officers in Corporate Towns, or Justices in Counties, may appoint, swear and direct searchers, watchers and buriers of infected persons and places; and where persons infected will not be kept in, one Justice may enforce them with violence, *1 Jac. ca. 31.*

Of the power of the County.

WHere a Justice hath an information of a Riot, there is a sufficient ground for him to raise a *Posse Comitatus*; and where it shall be raised without knowledge of any Riot or Rout, yet if one is proved, it is cause sufficient, the Justices may proceed to punish it.

The Justices of the Peace, Sheriff or under Sheriff, may raise a *Posse Comitatus*, and have the aid of all the Knights, and under that degree, that are 15 years of age, and of ability to travel, upon the penalty of imprisonment, fine, and ransom to the King; but at the Justices discretion how many or how few, and how armed. *Vide Lamb. 315.*

In the suppression of Rioters one Justice may do it, and not stay for his fellow Justices, and upon an Affray a Constable may take the assistance of his neighbours to arrest any, and a Sheriff was amerced for a return that he could not execute a Writ, because the power of the Country was not at his command.

Of Preachers,

HE that with a malicious intent shall disturb any Preacher in his Sermon, shall be bound to his good behaviour, and have three moneths imprisonment, 1 *Maria* ca. 3. Where the disturber of any Preacher is arrested and brought before a Justice, and upon examination heard, and convicted, he shall be committed for 6 dayes, and then being brought before another Justice, and they two joyning upon examination, and upon confession of the party, or conviction by two witnesses, he shall be committed for three moneths, 1 *Maria* ca. 3.

Of Praemunire.

HE that doth deny to take the Oath of the Kings Supremacy, first offence is *Praemunire*; the second, Treason, 5 *Eliz.* ca. 1. 13 *Eliz.* ca. 1. He is guilty of a *Praemunire*, that shall aid, assist, comfort or maintain any that hath committed treason, in using any Popish Bulls, 23 *Eliz.* ca. 1.

He that shall maintain, defend or set forth any power of any forain Prince or person, heretofore used or usurped within the Kings Dominions, by preaching, printing or writing, either by expresse deed or act, or maliciously or directly to execute any

any thing to that end, 1 offence *præmunire*, 2 treason,
1 *El.* 1. 5 *El.* 1.

He likewise that shall assist any person that shall put any Bull in writing, or any instrument of absolution from the See of Rome, is guilty of a *præmunire*, 13 *Elix.* ca. 2. 23 *Elix.* ca. 1.

He is guilty of a *Præmunire* that shall from the See of Rome, or any allowing that authority, bring any *Agnus Dei* Beads, Pictures, Crosses, or such superstitious things, or shall deliver, or offer, or cause them to be delivered or offered to any of the Kings Subjects, to use or wear; if any know it and apprehends not the party within three dayes, and discovers it not to the Ordinary, or next Justice of Peace, or having received any such things, delivers them not next day to the next Justice, 13 *Eli.* ca. 2. 23 *Eli.* ca. 1.

The Statute of 16 *Rich.* 2. appoints what is forfeited in *præmunire* as his Lands and Tenements in fee for ever, in tale for his life, and all his Goods and Chattels, perpetual imprisonment, and out of the Kings protection: If he appear at the day, it is otherwise. *Vide L. Cokes Institut.* 129, 130.

If the Justice conceals him that brings either Pictures, *Agnus Dei*, or Crosses, and not brings him to one of the Kings Council, he is guilty of a *præmunire*, 13 *Eli.* ca. 2.

The Statute of 37 *Hen.* 8. ca. 9. against Usury, such Broakers of bargains shall be punished as Counsellors, Attorneys or Advocates in case of *Præmunire*, 39 *Eli.* ca. 18, 13.

Of Prisons.

Imprisonment is the restriction of a mans person from his liberty, into the custody of the Law, to be responsible to that that shall be objected against him : Though any break away, yet he is in prison as long as he is within the view of the Gaoler ; and he that shall commit any to prison, must be a Judge upon Record.

Where a Constable hath arrested one upon suspicion of felony, he may lock him in the Stocks, and afterwards may pinion, and bring him before a Justice.

Where any is committed to finde sureties for the Peace, and refusing, he shall there continue till he doth finde them.

If a man is committed for default of sureties for the peace, he shall not be delivered by either the release or death of the parry, but at the Quarter Sessions or Gaol-delivery ; yet *Lamb. 93.* puts a *Quere* upon it.

A man standing by, and not using his endeavour to save the life of the murdered, and to attach the murderer, was committed.

A Sheriff is left to his choyce, either to imprison in his house, or commit to Gaol : But a Constable cannot imprison in his house, but must put the Offender in the Stocks, till he can raise assistance to bring him before a Justice of the Peace ; neither can any Justice make a Prison of his house, but must send him to the common Gaol, *5 Hen. 4. ca. 10. 23 Hen. 8. ca. 2.*

Where some penal Statutes enables a Justice he may commit the Delinquent to the Stocks.

It

It is the breaking of Prison, where any felon escapes either out of Gaol, or from the custody of his Keeper, though he never were indicted, and where one is imprisoned upon a *Capias pro fine*, upon payment he may be delivered or upon a Recognizance.

Of Prisoners.

Where any man is arrested for felony, he is in the eye of the Law a Prisoner, though not in Prison, as in the Stocks, high-way, or in the custody of him that hath arrested him: And look what any is committed for, if he breaks prison, he is culpable of the same offence, and it is felony in him that rescues any that is committed for felony, and it is felony in any Officer that wilfully lets another escape that is committed for felony.

That Prisoner that hath ability shall pay his own charges, and the charges of those that guard him to prison; and upon refusal the Constable where he lives, by a Justices warrant may make sale of his Goods, being Apprizers, by four of the Parish, rendring the over-plus to the Delinquent, 3 *Jac. ca. 10.*

Where an Offender is not able, the charges shall be born by the Parish where he was apprehended for his commitment to Gaole, and the place to be taxed equally by the Constable and two or three of the Parish, allowed by a Justice, 3 *Jac. ca. 10.* and of any that shall refuse to pay it, it may be levied by sale of their Goods, rendring the over-plus, having a Justices Warrant. *ubi supra.*

Upon any distresse upon the said Statute, any may in any action brought against him plead *Not guilty*.

guilty, and giving the special matter in evidence, and upon either Non-suit or Recovery, he shall have treble damages.

And where any prisoner is discharged upon the default of the Indictment, yet the Justices upon the change of their opinions may stay the Offender before Indictment.

It is Treason in any that is outlawed for felony, and breaks prison, if any escape that are in for Treason.

Of Proesse.

THis word *Proesse* comes from the word *Procedere* because of proceeding upon any former matter, either original or judicial informations or suggestions, or but incitations, or to commend the cause to the Enquest by the Justices, unlesse it be specially given by Statute: And the authority of making Proesse the Justices have by their Commission, or employed where the power of hearing or determining is given them by their Commission.

All Proesse shall be in the Kings Name, and the Teste is commonly in the *Custos Rotulorum*'s name; and no new Commission of the Peace, shall discontinue any Proesse or Suit, 1 *Edw. 6. ca. 7.*

The common Proesse upon Indictment is a *Venire fac.* if he be returned sufficient, then a *disringas ad infinite*, if a *Nichil cap. alias plures & exigent.* upon the Statute for Victuals, *Attach. capias & exigent. cap. utlagat.* and one being of the *Quorum* any three Justices may send it into any County.

Where any servant departs his service, Justices of Peace may award Proesse into that Countrey where he is returnable before them, or where a decayed
Bridge

Bridge is in one County, and the Land that is chargeable is in another, 22 Hen. 8. ca. 5.

Where one stands indicted for treason or trespass in one County, and he is imprisoned in another, the Justices may award a *Habeas corpus* to remove him before them; and Proccesse upon an Indictment of felony, may be sent into any forain County, 5 Edw. 3. ca. 11.

Where an Indictment for treason or felony is in one County, and named in the Indictment is in another, the first proccesse shall goe into the County where he is indicted, the second to the County where he is named, returnable 3 moneths after, if not there found, that Sheriff shall make Proclamation at two Conntry Courts before the return to appear before the Justices, where the Indictment is, at the return of the *Capias* if he fail, an exigent to be awarded, 8 Hen. 6. ca. 10.

The Justices can award no proccesse after Outlawry, but must certifie it into the Kings Bench, and proccesse upon an Information, must be such as the Statute upon which they are grounded doth appoint, Lamb. 328.

That Sheriff that shall levy any fine, rancome or amerciament without Proccesse from the Justice, loseth 40 l. 1 Edw. 4. ca. 2. And where an Ale-house-keeper hath transgressed, and so forfeited his License, the Justice may send Proccesse against him, to shew cause why he should not forfeit his License and (except in case of Ale-houses) the Justices cannot award any Proccesse upon forfeited Recognizance, but must certifie them into the Kings Bench.

of

Of Proclamations.

NO Justice of Peace can make an acquittall of Felons without sufficient cause, and if they cannot indict them, they must lye till the Gaole-delivery.

For the form of a Proclamation to remove a force upon the Statute of *Northampton*, vide *Lamb.* 168. And a Constable if an Affray be perilous, may make Proclamation, *Dalt* 33. *Quere*, whether one Justice may make a Proclamation in the Kings name, because of the expiration of 1 *Eli. ca.* 19.

The usual course is at the Sessions, for the Justices to make Proclamation, that if any will inform for the King, that they should come in and give evidence.

The Statute of 4 *Hen. 7. ca.* 12. mentions that proclamation be at every Quarter Sessions, according to that Statute; or all the Justices present, lose every one 40 s.

Of Propheying.

HE that shall prophesie to raise a Rebellion, dissention, losse of life, or any other disturbance in the Kingdom, being convicted before the Justices, for the first offence is imprisonment without Bayl, forfeits 10 l. Second, imprisoned during life, loses all his Goods and Chattels real and personal: but he must be impeached within six moneths after the offence, 5 *Eli. ca.* 15.

of

Of Purveyors.

NO Purveyor or servant of a Purveyor shall take any thing of any mans, against his will, but must agree with the owner, and make payment suddainly, or else it is felony. No Prelates or Clerks Cart shall be taken, and it is felony in any Purveyor, his Deputy or Servant, without warrant to take any thing above 12 d. without the owners consent, 2 & 3 Phil. & Mar. ca. 6.

If a Purveyor shall take any thing not in his Commission, it is made felony by the Statute 36 Edm. 3. ca. 2. or not having a Commission under the Great Seal. It is likewise felony to take above the value of 12 d. without the apprizing of the Constable and four honest men of the Inhabitants, and delivering a Talley or Indenture under his hand and seal: if he take more then he shall deliver into the Kings hand, it is felony.

It is felony to take Sheep between *Easter* and *Midsummer*, and to shear them at his own house, buying them at under rates, 23 Edm. ca. 15.

Every Purveyor that takes any thing to the value of 40 s. forfeits double, and the Constable being required to assist against the Purveyor, and refusing, loses double damages: Any of the Kings Officers that shall procure any to be arrested for such resistance, forfeits 20 l. 23 Hen. 6. ca. 8.

That Purveyor that shall take any reward to spare any, forfeits treble damages, and to be imprisoned two yeers: and if he shall take Corn other then by the stricken bushell, 8 bushels to the quarters, and taking Carts therefore without ready payments, his punishment is imprisonment for one year, forfeits

5 l. to

§ 1. to the King, and as much to the party, 36 Ed. 3.
ca. 3. 1 Hen. 5. ca. 10.

That Purveyor that shall cause timber to be felled fitting to bark, but at the time of barking (except for Ships) or to repair the Kings houses, or taking any benefit by the Lop stocks or Bark, or taking any more of the owner of the tree then the timber, loses 40 s. for every tree, 1 Jac. ca. 22.

All Docquets of Purveyors must be delivered to the Justices of Peace at the next Sessions, and by them certified to the Treasurer of the Kings Household, 2 & 3 Phil. & Mar. ca. 6.

Where a Purveyor shall take any thing by his Commission for the Kings Household, and sells the same again, his taking is extortion, and may be punished as a trespasser, if not as a felon. And any that shall take any Victuals by vertue of the Kings Commission, against the Statute, are liable to the punishments therein. *Vide the Statute 2 & 3 Phil. & Mar. ca. 6.*

Of Precepts.

A Supersedes of a Warrant for the Peace.

A. B. Gen. one of the Justices, &c. forasmuch as
J. D. of C. &c. hath personally come before
me at S. and hath found sufficient security, that is
to say, W. J. and E. F. &c. either of them hath
undertaken for the said J. D. in 20 l. and the said
J. D. hath undertaken for himself in the pain of
40 l. that he the said J. D. shall well and truly keep
the Peace of our Sovereign Lord the King, and
of all his Liege People, especially towards G. H.
O &c.

&c. and also shall personally appear before the said Justices of the Peace of our said Sovereign Lord the King within the said Countrey, at the next general Sessions of the Peace, to be holden at M. These are therefore, in the behalf of our Sovereign Lord the King, to command you and every of you that you utterly forbear and surcease to arrest, take, imprison, or otherwise by any means (for the said cause) to molest the said, &c. And if you have for the said cause, and no other, taken or imprisoned him, that then you cause him to be delivered and set at liberty without delay. Given at S. under my hand and seal, &c.

A Recognizance for the Peace.

Md. quod 5 die Jan. &c. A. B. de D. in Com. M. Yeo. & C. D. de C. in Com. predict. H. venerunt coram me R. B. &c. et manuceper. pro J. S. nuper de L. quod ipsi personaliter comparebunt coram me prefat. R. B. uno Justiciar. pacis Domini Regis ad proximam generalem Sessionem pacis, &c. Et quod ipse interim geret pacem erga cunctum populum Domini Regis, et precipue erga R. B. &c. viz. quilibet manucaptorum predict. sub pena 20 l. et predictus J. S. assumpsit pro se sub pena 40 l. et predictus J. S. et quilibet manucaptor. predict. in dicta summa 20 l. recognoverunt, &c.

A Precept for the good Behaviour.

A. B. and W. C. two Justices of the peace of our Sovereign, &c. to the Sheriff of the said County, and to the Constables, &c. Forasmuch as A. B. of C. aforesaid, is not of good fame, nor of honest conversation; but a Rioter, Barrettor, or a disturber of

of the Peace of our Sovereign Lord, &c. as we are given to understand by the complaint of some credible persons there, on the behalf of our said Sovereign Lord, we command you and every of you, that you cause the said A. B. to come before us, or some of our fellow Justices, to finde sufficient surety and mainprise for his good abearing towards our said Sovereign Lord and all his Liege people, untill the next quarter Sessions of the Peace, to be holden in the said Countrey, and also for his appearance then and there. And if he shall refuse, &c. as in the Precept for the Peace, &c.

A Recognizance for the Good Behaviour.

Md. quod 4 die Martii, Anno, &c. venit coram me A. B. Arm. &c. ut in Recogn. pacis usque ad tunc quod idem R. B. personaliter comparebit coram Justiciariis dicti Dom. Regis, ad pacem, &c. ad prox. generalem Sessionem Pacis; &c. Et quod ipse interim se bene geret erga Dom. Regem & cunctum Populum suum et precipue erga J. B. de C. &c. et quod ipse non inferet, nec inferri procurabit, per se nec per alium, dampnum aliquod seu gravamen prefat. J. B. seu alicui de populo ipsius Dom. Regis de corporibus suis per insidias, insultus, seu aliquo alio modo quod in lesionem seu perturbationem pacis predict. cedere valeat quovis modo, viz. uterq; predict. F. C. & J. D. sub pena C. l. et predict. J. D. sub pena CC. l. recognover. se debere dicto Domino Regi de terris et tenementis suis et catallis suis, ad opus & usum ipsius dicti Dom. Regis fieri et levare, si contingat prefat. R. B. in aliquo premissorum deficere, & inde legitimo modo convinci, &c.

A Precept to the Sheriff upon a Riot.

R. B. et W. G. Arm. duo Justiciarii, &c. assignati, Vic. ejusdem Com. &c. salutem, ex parte dict. Dom. Regis tibi precipimus, quod venire fac. coram nobis apud J. in Com. predict. 22 die Maii prox. futuro 24 probos & sufficientes homines de Com. predicto, quorum quilibet habeat terras & tenementa infra dict. Com. liber. tenement. per Chartam ad annum valorem 26 s. aut per copiam Rotulorum Cur. ad annualem valorem 26 s. 8 d. ultra omnes reprises ad inquirend. predict. Dom. Reg. ac pro indemnitate nostra in hac parte super sacramentum suum de quibusdam illicitis aggregationibus & Riottis apud C. in Com. predict. nuper commissis ut dicitur. Et hoc nullatenus omittas sub pena 20 l. quam incursumus es si in executione premissorum defeceris. Et habeas ibi tunc nomina Jurator. predictorum et hoc preceptum dat. sub sigillis nostris.

A Recognizance for an Alehouse-keeper.

THe condition of this Recognizance is such, that whereas the within bounden A. B. is admitted and allowed by the within named R. B. and C. D. two of his Majesties Justices of Peace within the said County of M. within written, to keep a common Alehouse or Tipling-house, and to use common selling of Ale or Beer, only within the now house of the said A. B. and not elsewhere, situate in the high street of the Town of M. within written, and called the sign of the H. If therefore he the said A. B. during such time as he the said A. B. shall keep such common Ale-house there, shall not suffer any unlawfull Games, as Dice, Cards, Tables, Tennis, Bowls, Chess, Loggets, or other unlawfull Games,

to be used in his said house, or in his Garden, Orchard, or other his grounds, nor dresse or cause to be dressed any flesh to be eaten upon any day forbidden by the Lawes or Statutes, nor wittingly or willingly admit or receive into his said house, any person notoriously defamed of or for theft, or incontinency, or drunkennesse; or shall be notified by him to be an unmeet person to be received into a common Ale-house; nor keep nor lodge there any strange person above one day and night together, without notice first given to the Constable; and finally, if the said *A. B.* during the time that he shall keep common selling of Ale and Beer within the said house, and there use and maintain good order and rule, then this present Recognizance, &c.

The Recognizance of the Bayl of a Felon.

Md. quod 10 die Junii, Anno, &c. coram me N. C. uno Justic. dict. Dom. Regis, ad pacem, &c. W. H. & J. S. manuceperunt pro W. F. de D. &c. quod comparebit ad prox. Goalam deliberand. ad respondend. A. H. pro suspitione felonie, et ad respondend. omnibus quæ versus ipsum adtunc et ibid. objicerentur, sub pena utriusque manucaptorum predict. in 20 l. Et predictus W. F. assumpsit pro seipso, sub pena 40 l. quas quidem separatas summas, &c. ut antea in Recogn. pacis, &c.

A Recognizance to give in Evidence.

Md. quod tali die et Anno, &c. coram me, &c. J. D. de &c. recogn. se debere dicto Domino Regi 10 l. de bonis et catallis, terris et tenementis suis fieri et levare, si non comparebit ad prox. Goalam deliberationis
O 3
ad

*ad prosequend. et dand. evidentiā contra T. A. pro
suspiciōne felonie, &c.*

A Warrant for the search of stolen Goods.

Lanc. ff. **F**Orasmuch as I am credibly informed,
that the Shop of one L. C. of F. in the
said County, was this last night broken up, by di-
vers persons who feloniously and burglarily did take
and carry away out of the same, divers Goods, [na-
ming them:] These are therefore in his Majesties
name straightly to charge and command you, and
every of you, that forthwith, upon sight hereof, you
make diligent search and inquiry throughout your
several precincts, as well for the said Goods, as
for the breakers of the said Shop, and if you shall
finde any of the said Goods, that you shall make
seizure thereof to his Majesties use, and to apprehend
all such persons in whose hands the said Goods, or
any part thereof shall be found to be examined
touching the said goods, and to apprehend the bo-
dies of all such persons as you shall suspect to be
breakers of the said Shop, and them to bring before
me or some other of my fellow Justices, to be exa-
mined touching the same, that they may be dealt
withall as Law shall require. Whereof fail you not,
&c. Given at, &c.

*An Examination of A. B. upon the Statute
of Hue and Crie.*

*The Examination of A. B. of &c. sworn and exami-
nined, such a day and yeer, &c. deposeth, &c.*

That about such a time, naming it, he was riding
from F. aforesaid, towards E. in the County of
N.

N. and, in the high-way, within the Parish of K. in the said County of N. he was set upon by two persons, and was by them robbed, and they took from him, &c. And he saith upon his Oath, that he doth not know either of the parties, and saith that his name is R. D. of N. born in, &c. of the age of 23 years, or thereabouts.

The Recognizance to prosecute.

E. Prefat. A. B. recogn. se debere dicto Dom. Regi 40 li. legalis monete Angl. de bonis et catallis, terris et tenementis, ad opus et usum dicti Domini Regis, hered. et successorum suorum fieri et levari, sub conditione, &c.

THe condition, &c. that if the said A. B. doe effectually prosecute suit against the said R. D. by Indictment or otherwise, according to the due course of the Law of this Realm, that then, &c.

A Precept to apprehend an Offender.

THese are requiring you in the Kings Majesties name, that immediately you bring before me T. N. of &c. to answer to such matters as shall be objected against him, in his Majesties name on the behalf of A. B. Whereof fail you not, as you will answer the contrary at your peril. Sealed, &c. Given at E.

A License for Badgers and Corn Carriers.

AT the generall Sessions of the peace, holden at W. in the County afore said, holden such a day and year, &c. T. C. of &c. Badger, is admitted and licensed by the Justices of Peace, of the same County, to

be a common badger, lader, kidders, buyer or carryer of Corn, in any Market or Fair within the Realm of England, and the same so bought to convert to Meal, and the same to carry to the City of L. or to any other Market or Fair, so that he use and occupy the same according to the Statute in that behalf made and provided against Regraders, Fore-stallers and Ingrossers, and not otherwise: This Licence to continue till the next Quarter Sessions, and no longer. Witness, &c.

A Warrant to distrein for the Poor.

FOrasmuch as divers persons within your Parish, as we are informed, being assessed by your Church-wardens and Overseers, to a weekly contribution for and towards the necessary relief of the Poor, and for a convenient stock to set them on work, according to the Statute made in that case and provided, concerning the Inhabitants in the said Parish, who have from time to time refused and neglected to contribute according to their Assessment: These are therefore according to the authority given me by the Statute, and to the two next Justices inhabiting, to authorise you the Church-wardens and Overseers, or any of you, to levy all such sums of Money as shall be unsatisfied and unpayed by any of the Inhabitants as aforesaid, by distresse or sale of their Goods, rendring to the party or parties the over-plus, and if you cannot finde any Goods to distrein, you shall return their names to us, that we may proceed therein as the cause requireth: And this shall be your warrant, &c.

*A Passport for a Vagrant, according
to the 33 Eliz.*

WHereas *J. P.* this day, 15 of *March*, in the year, &c. was taken as a Vagabond or wandering beggar, and hath received punishment according to the Statute, Know ye, that *I. H. B. Esq;* one of the Justices, &c. have licensed and appointed the said *J. P.* to travel and passe from henceforth the next and the directest way unto *C.* in the County of *L.* where he saith he was born; straightly charging, in his Majesties name, all Constables, Tything-men, and all other his Majesties Officers, that they convey the said *J. P.* from Constable to Constable through all their Towns, Hamlets and Parishes, the neereft way to *C.* aforesaid, and there to leave him in the custody of the Constable, Tything-man, or other Officer of the same Town, there to be provided for according to the Statute. And hereof fail not, as you will answer the contempt at your peril. Given at, &c.

A Mittimus to his Majesties Gaol. r.

M. These are to require you in his Majesties name, that you receive into your Gaole and custody all such persons whose names are here under written, there to remain without Bayl or Mainprise for the space of three dayes, for keeping of Tipling-houses, and common selling of Ale without license, being discharged by us for doing the same: and before their deliverance, that every of them do enter into Recognizance with two sufficient Sureties, nor
at

at any time hereafter to keep any such common Tipling-house or Ale-house, for selling Ale or Beer, whereof, &c.

*A Mittimus for one that hath broken
the Peace.*

Midd. I Send you herewithall the body of *A. B.* whom I require and charge you in his Majesties name to receive and take into your safe custody for divers misdemeanours committed by him against the Kings Peace, untill he shall finde two good sufficient sureties, Subsidy-men, to be bound with him in a Recognizance to our Sovereign Lord the King, either of them, in the sum of 20 *l.* and himself in forty pounds, to appear before his Majesties Justices of Peace at the next Sessions of the Peace for this County to be holden, and in the mean time to be of good behaviour towards our Sovereign Lord the King, and all his Liege people. Whereof, &c.

A Precept to bring Rioters before a Justice.

Midd. **F**Orasmuch as I am informed by *W. A. Esq;* that *J. C. &c.* and divers other persons unknown, have come upon the ground of the said *W. A.* in *M.* afore said, and there have been aiding and assisting to those persons above named, in forceable manner to carry Timber there late growing: these therefore are in his Majesties name to command you and every of you to arrest as well the parties afore-named as the said persons unknown, being shewed unto you by the said *M. S.* and to bring

bring them before me, and this shall be your warrant and discharge.

A Precept to bring back a Servant gone into another County.

Suff. **A.** B. Esq; one of the Justices of the County aforesaid, to the Sheriff of the County of E. and to all Constables and Head-boroughs in the same County, greeting: By a Statute made in first yeer of Queen Mary, it is ordered, that if any servant depart from his Master from one County into another, it should be lawfull for any Justice of Peace of the same County from whence such servant shall so depart, to send his Precept or Precepts into the other County into which any such servant shall so come, Forasmuch as E. D. a servant to G. R. of E. Tailor is gone from his said Master, without any testimonial, or his lawfull license, into the said County of E. These are by the authority of the said Statute, and in his Majesties name, to require, charge and command you, that forthwith upon sight hereof you goe with this bearer, and as speedily as you may, apprehend the said E. D. and bring him before me or some other Justice of Peace in S. to be ordered as cause shall require, and hereof fail you not, as you will answer, &c.

A Discharge for a Constable.

To the High Constable of the Hundred of H.

THese are requiring you in the Kings Majesties name, that you make out your Precepts to all petty Constables within your Hundred, commanding them

them therein, that by vertue hereof they discharge all such as shall keep a Tipling-house, or shall sell Beer or Ale within their Jurisdiction, other then such as are lawfully licensed thereunto, whose names are hereunder written: and do forbid them in our names, that they shall not from henceforth keep any common Tipling-house to sell Ale or Beer in, contrary to the Statute in that case made and provided; and if you know of any offending to the contrary, that ye shall bring the said persons so offending before us, that they may be forthwith committed to the said Gaole for the County of *H.* there to remain without Bayl or Mainprise by the space of 3 dayes, and before their deliverance to enter into Recognizance with two Sureties, that they shall not so offend again, besides their penalty of 20 s. to be assessed upon them at the Quarter Sessions following. Whereof fail you not, &c.

A License to begge.

S. *J. A.* B. and C. D. Justices of the Peace in the County aforesaid, greeting: Whereas the bearer hereof *E. F. of W.* in the County aforesaid, is a very poor man, and blinde; by reason whereof he is not able to work, nor live of himself, without the charitable relief of others, and being now resident in the same Town, is there to be relieved; and being informed that the said Town is charged with more poor and impotent folk then it is able to relieve, know therefore, that we the said Justices have licensed the poor man and his Leader, to go abroad and begge, and receive the charitable Alms of well disposed people, inhabiting and dwelling within the H. of, &c. in the said County, requiring you not to molest

molest and trouble the said poor man or his Leader for so doing, but desiring you rather to relieve him and his Leader in their necessity, as to you shall seem meet : This our Licence to be in force for one whole year, and no longer. In witness, &c.

A Certificate for a Trained Souldier.

THese are to certifie you, that *A. B.* the bearer hereof, is a trained Souldier of the Burrough of *S.* for his Majesties service, appointed under my Colours, and therefore not other wayes to be charged or molested, as you will answer the contrary, &c. *Plus vide in Crompton, Fitzherbert, Lambert, & Dalton.*

Of Rape and Ravishment.

IT is felony without Clergy to deflowre a Maid under 10 years old, either with or without consent, *18 Eliz. ca. 6.*

It is likewise felony without Clergy, to ravish a woman without consent, either before or after the fact; and if with force, though she shall after consent. *Vide Lamb. 256. 242. Statute ubi supra.*

To be present, aiding, or assisting the Ravisher, is a Rape.

But where the woman conceiveth with childe, it is no Rape; for it is a Maxim in the Common Law, that no woman can be got with childe against her will, *Stamf. 24.* And it is a Rape to deflowre anothers Concubine; yet the deflowring one kept as
the

the deflowers Concubine is a good plea in Rape.
Stamf. 24.

Force without carnal knowledge is no Rape, but there must be complaint within 40 dayes. *Vide Statut. 4 Edw. 1.* but in an Appeal otherwise.

She that is ravished must presently make Hue and Cry after the Ravisher, to some Justice of Peace, or other credible Person, and in the Indictment she need not observe any time.

Where one threatens a woman with death, who then consented for fear, it is a Rape: And where any doth consent after the ravishment committed, the husband, father, mother or other, being next of kin, may prosecute to have the Ravisher committed.

Of Recognizances.

A Recognizance is a Bond recorded, wherein the Recognizor doth acknowledge himself to owe a Sum of Money to another. It must remain upon record; none can take it but he that is a Judge or Officer of Record.

In some causes Justices of Peace may take Recognizances by the Statute that enables them, but they must take them in the Kings name, upon pain of imprisonment, 33 *Hen. 8. ca. 39.*

It lyes in the power of a Justice of Peace taking a Recognizance *Virtute Officii*, to take what sureties and how many he pleases, and for their ability, how long bound, generally they ought to be Subsidymen, and at least there must be two besides the party.

Where a Recognizance for the peace is taken, there it must be expressed in it, or else it is voyd:
And

And where a Justice of Peace, having taken sureties, doubts afterwards their ability, he may compell the party to get others.

It is effectual in Law though in the Recognizance there be no time specified concerning the appearance, but generally to keep the peace : but where the keeping of the peace is omitted, it is voyd.

Untill the *Certiorari* be returned, there needs no Recognizance for the Peace upon a *supplicavit* to be returned. A woman Covert, or Infant, shall not be bound but their sureties : and where a Recognizance is taken *virtute Officii*, for default of appearance, it may be returned by *Certiorari*; *Dalt.* 178.

The death of the King determines the Recognizance, if not forfeited before the party suing for it : Although the sureties die, yet it is good against the Executors ; and where the Recognizance is forfeited, the Justices may require new sureties, or commit him to prison : and where a Recognizance for the Peace comes to the *Custos Rotulorum*, and the party pursues it not, the Clerk of the peace may call upon it for the King.

No Justice of Peace can award any processe upon forfeited Recognizances (except Alehouses,) but must certifie them into the Kings Courts at *Westm.* *Vide* the cause how they become forfeited in *Dalt.* 177. and where any are taken by a Justice *ex officio*, must be brought to the *Custos Rotulorum* at next Quarter Sessions, yet there is no penalty if not, by the Statute, 3 Hen. 7. ca. 1.

None but the King can pardon a forfeited Recognizance ; and likewise if a Justice takes one not having authority, it is voyd ; if taken where he hath no power, putting in others names, it is voyd also.

When

When any Recognizance is taken by a Justice, as soon as it is taken, it is matter of Record, although not engrossed or entered into his book. *Vide Brook Record* 38. And one Justice may take a Recognizance for the Peace. All these Recognizances for the peace must be certified at the next Quarter Sessions, but for felons they must be certified at the Gaole-delivery, except such petty felonies as the Justices will hear and determine at the Sessions.

*Of the Form of Recognizances for the
Good Behaviour.*

*M*l. quod tali die et anno, &c. J. H. de E. in Com. H. Yeo. W. H. de eodem Yeo. W. l. de eodem Yeo. in propriis personis suis venerunt coram me T. P. uno Justic. dict. Dom. Regis ad pacem, nec non ad diversa feloniam transgr. et alia malefacta in eodem Com. perpetranda. assignat. et conjunctim et divisim recognoverunt se debere dicto Domino Regi 40 li. de Bonis et Cattallis suis ad opus dict. Dom. Regis levare, sub conditione indorsata, Viz.

The condition of this Recognizance is such, that if the within bounden J. H. shall personally appear at the next Sessions of the peace, to be holden in the County of H. and shall in the mean time be of good behaviour towards our Sovereign Lord the King, and all his people, that then this Recognizance to be voyd, &c.

**A Recognizance to preferre an Indictment,
and give Evidence.**

South. *Mil. quod tali die et anno, &c. A. B. de Ci
in Com. D. H. in propria persona sua ven-
coram me W. E. iur. Iustic. dicti Dom. Regis ad
pacem, nec non ad diversa feloniam transgr. et alia
malefacta in eodem perpetranda assignat. et cognovit
se debere dicto Domino Regi 40 li. de Catallis, terris,
et tenementis suis, ad opus dicti Dom. Reg. levand.
sub conditione indorsata, viz.*

The condition of this Recognizance is such, That
if the within bounden A. B. shall and will perso-
nally appear at the next Gaol-delivery to be holden
in the said County of D. and shall then and there
preferre a bill of Indictment against N. H. for a
felony which he hath committed, viz. for stealing
of divers parcels of Linnen Cloth, and shall there
give in evidence against the said N. H. as well to
indite, as to finde him guilty of the said felony;
that then, &c.

**A Recognizance against one as his
Accessory.**

The Recognizance ut supra.

THe Condition, &c. that if the above bounden,
R. L. & J. S. or either of them, shall and will
personally appear at the next Gaol-delivery to be
holden for the County of H. and shall then and
there give evidence against T. S. of K. Yeo. and M.
his Wife, as well to indict as to finde them guilty
of a felony which is layd to their charge, viz. a-
gainst the said T. S. for breaking the house of T. L.

in H. aforesaid, and stealing out of his house his goods, that then this Recognizance against him or them only that shall appear and do as aforesaid, to be voyd and of none effect, &c.

Of Records.

IN the construction of the Law a Record is, the remembrance, or Register, of things done; before Judges that are impowred, and have authority to do them.

Such is the excellency of a Record, that there shall be no averment against it, to avoyd confusion. A Judge may correct a Record in the same Term that it is entred, but not afterward.

In some respect, the Record of a Justice of Peace is of greater authority then the Indictment of a Jury, and none shall be suffered to traverse it: And the embezling of a Record is felony; but out of the Justices of peace power to try it, but the Judges at *Westm.* only can try it.

The Precepts of Justices for surety of the peace, or Records in forcible entry, are not Records, if they be made out of Sessions. *Vide Lamb. 398.*

Where any shall plead a Record before other Justices, the Justices ought to give day for the bringing in of the Record.

Whereas the embezling a Record in others is felony, yet in a Judge it is but misprision. *Brook Coron. 274. & Treason 32.*

He that shall embezle a Record, either the Writ, Proceffe, Pannell, Return, or Warrant of Attorney, in the Chancery, Kings Bench, Common Pleas, Exchequer or Treasury, it is felony in the parties, their counsellors, abettors or procurers.

Any

Any Justice of Peace being convicted by the oath of 12 men, of the embezzling of any Record, wilfully and wilfully, rasing a Record or making that no Indictment that was found one, or changing that which was a trespassse into an Indictment of felony; loseth his office, and shall be fined and imprisoned according to his offence.

Of Recusants.

BY the Statute of 1 Eliz. ca. 2. Recusants that shall wilfully absent themselves from Church 12 moneths, being convicted, and of 16 years of age, shall be bound to the good behaviour, upon one Justices Certificate, into the Kings Bench, besides the penalty of the 23 Eliz.

The Justices of Peace ought to give notice to any to forbear to entertain those into their houses that come not to Church a moneth together, 35 Eliz. ca. 1.

He that is Heir to any Recusant, being a Recusant at the death of his Ancestor, that doth conform himself, and take the Oath of Supremacy, 1 Eliz. before the Bishop or the Archbishop where he lives, shall be free from the penalties of his Ancestor, 1 Jac. ca. 4.

Where the Heir of a Recusant is under 16 years at his Ancestors death, at or after 16 years becomes a Recusant, till conformity aforesaid, he shall not be freed from the penalties of his Ancestor, *per idem Statutum.*

Where two parts of Recusants lands are seised, for payment of 20 l. a moneth, the third part shall descend to the heir, and not be charged, and the other 2 parts shall be in the Kings hands, till the

King is satisfied, *ibidem*.

The Estates that are in trust for any sent beyond Sea to Rome, to be brought up in Religious houses, are voyd: And those that have the tuition of any, sending them to be educated in Popery, lose 100 l. And they that go with them, not returning in a year, and submit themselves, are disabled to purchase or take Lands or Goods in the Kings Dominions, till they conform themselves.

Where any Justice shall forbear to certifie at the next Sessions the Oaths taken of such as are reconciled to the See of Rome, if he submit not at his returning into this Kingdom, forfeits 40 l. 3 *Jac. ca. 5.* And all forfeitures upon 1 *Jac. ca. 4.* against Recusants, one half to the King, the other to the Informer, *ut supra.*

That Recusant that shall come to Church according to the Law, and is afterward convicted for not receiving the Sacrament once a year, the first offence is 20 l. the second year 40 l. the third year 60 l. If he afterwards receives the Sacrament, and offends again, the penalty is 60 l. one half to the King, the other to them that shall sue in any of the Kings Courts at Westminster, or at the Assizes or Quarter Sessions.

The Clerk of the peace, upon pain of losing 40 s. is to record the presentments of Churchwardens and Constables, for Recusants not coming to Church once a moneth, without fee.

If the High Constable or petty Constable presents not yearly all Recusants not coming to Church monethly, he forfeits for every default 20 s. with the names of their servants and children, above 9 years old: and those that are convicted, the penalty of 40 s. is to be levyed out of their Goods by 3 *Jac. ca. 4.*

For

For not coming to Church according to the Statute, and receiving the Sacrament, the Justices may make proclamation at the third Quarter Sessions, that they render their bodies to the Sheriff before the next Quarter Sessions, or at the Assizes; and in default thereof it shall be a sufficient conviction, *ut supra*.

All Popish Recusants that are convicted for not coming to Church according to the Statute, shall in *Easter* or *Michaelmas* Term next after the conviction, pay into the Kings Receipt 20 l. a moneth, to continue without any other Indictment, till that he conforms himself. In default of payment, all his Goods and two parts of his Lands shall be seised, till he conforms, leaving the Mansion house to the third part, 3 *Fac. ca. 4*. And the two parts so seised the King may not let to any Recusant, nor to their use. Security shall be given to the King not to commit waste, *ibid*. Neither shall any that are indicted avoid it for form wanting in the Indictment, untill conformity; and the Justices of Peace may hear and determine all offences against the Statute 3 *Fac. ca. 4*. except Treason. The Attainder of felony upon the Statute shall be no barre to Dower, neither any corruption of blood: and any that shall be troubled in the prosecution of this Statute, may plead the general issue, and give the special matter in evidence.

The husband shall not be charged by this Statute with the wives forfeiture, for not receiving the Sacrament, nor the wife after the husbands death.

Any Recusant that shall presume to come to Courte the King being there, or his heir apparent, without the Kings command, or Council, forfeits 100 l. the one half to the Informer, 3 *Fac. ca. 5*.

Recusants convicted, or any other forbearing to hear Divine Service by the space of 3 Moneths, now inhabiting London, or 20 miles (except Tradesmen having no other dwelling) to depart within 40 dayes, if they come to inhabit there 3 moneths, to depart within 10 dayes after conviction, or to deliver their names to the Lord Maior or next Justice of Peace of the County, or forfeit 100 £ the Moiety to the Prosequutor, 3 *Jac. ca. 5.*

Those that shall refuse any Sunday to come to some usual place appointed for Common Prayer, there to hear Divine Service within a moneth, upon conviction, default, confession, or Oath of one witness, the Justice may call the Offender before him; if the Justice is not satisfied with the excuse, he shall grant his warrant to the Church-wardens to levy 12 d. for every default by distresse and sale of their Goods, or in want of distresse the Justice may commit him till he pay, and to the use of the poor the Money is to be employed.

They that shall keep or retain in their houses any (except Parents or others to whose custody they are committed) that come not monethly to Church, without some just excuse, lose 10 £ a moneth.

There may be a license granted by the King or Lords of the Privy Councel, by writing under their hands to Popish Recusants confined 5 miles, to goe 5 miles, for such time as is specified in the License, without putting in the cause, *per 3 Jac. ca. 5.*

Where any Recusant convicted, shall repair to four Justices that he hath occasion very urgent to travel above 5 miles from his abode, taking his Oath before them, that he will not without cause stay longer then the necessity of his businesse requires, may with the assent of the Bishop or Deputy Lieve-
nant

nant of the Countrey, under their hands and seals, specifying in the License the occasion and time of travel, license any to travel forth of his compasse, all other Licenses to be void, and all Recusants not having taken such Oath, shall forfeit as a Recusant convicted. *Vide 35 Eliz. 2. Any of the 4 Justices may give the Oath, 3 Jac. ca. 5.*

By the Statute 3 *Jac. ca. 5.* Recusants convicted, shall have no Office in any Court at *Westminster*, nor practise the Civil or Common Law, nor execute any Office or place of trust, nor Office of Warre, or in any Ship, Castle or Fortresse of the Kings, on the penalty of 100 *l.* one half to the King, the other to the Informer, 3 *Jac. ca. 5.*

Neither shall any execute any publick Office or Charge, whose wife is a Popish Recusant convicted, during her Recusancy, 3 *Jac. ca. 5.*

A married woman being a Recusant convicted, although the husband is not convicted, nor conforming her self according to the Statute, forfeits 2 parts of her Dower or Joynture, and is disabled to be either Executrix or Administratrix to her husband, 3 *Jac. 5.* And a Recusant convicted, shall be adjudged an excommunicated person, except in the suing for Lands or Leases not seized into the Kings hands; and where any convicted Recusant is married, and not according to the Ecclesiastical Law, shall not be Tenant by courtesie or in Dower, or by Joynture, or have a Widdowes Estate, or frank Bank, or any part of her husbands Goods, and marrying any by whom he is not Tenant by the courtesie, he loseth 100 *l.* one half to the King, the other to the Informer, 3 *Jac. ca. 5.*

If a Popish Recusant shall not baptize his Childe according to the Lawes of this Kingdom, within one

moneth after the birth, if the child die within one moneth after, the Parents lose 100 l. one third part to the King, another to the poor of the Parish, and a third to him that will sue for it, 3 Jac. c. d. 5.

Any Recusant seized of an Advowson, shall be disabled to grant the same, or to present or nominate any Clerk; but the Living shall be in the Chancellours of either of the Universities, according as it is appointed and limited in the Statute, and to present likewise none that have a former benefice; if they shall, to be voyd, *per idem Statutum*.

Any Recusant married, under the degree of a Baronesse, that comes not to Church and receives the Communion, nor conforming within three moneths after, shall be committed by two Justices, one being of the *Quorum*, untill she conforms her self, unlesse her husband for every Moneths default pay 10 l. or the third part of his Lands to the King, 7 Jac. c. 6. A Recusant convict shall pay monethly 12 d. and 20 l.

A Recusant according to the 35 Eliz. being of little ability, not going to the place of his birth or last habitation, and not certifying to the Minister and Constable, or afterwards departing 9 miles from the place of their abode, if being apprehended he conform not within 3 moneths, must abjure the Realm, his time and haven being appointed, 35 Eliz. 2. Any that shall refuse to abjure, or abjuring returns without the Kings License, it shall be felony, and he that shall abjure, the Justices must presently record it, and certifie to the next Assizes, 1 Jac. 25. and where any such Recusant convicted is, the Bishop or Minister of the place may require his submission, *ubi supra*.

No convicted Recusant shall be Executor, Administrator

nistrator or Guardian to any: the Guardianship shall goe to the next of kin, to whom the Land shall not descend, being no Recusant, accompring to the heir as the case requires, 3 Jac. ca. 5.

Where any Recusants have Armour or Munition, four Justices by their Warrant may take it away and send a warrant from their Quarter Sessions, unlesse such necessary weapons for their own defence; and it shall be kept where the Justices shall appoint, at the costs of the owners, and if they refuse to certifie to the Justices where it is, or will not deliver their Armour, to forfeit the same, and to suffer imprisonment three moneths without Bayl.

Of Releases.

Where one is commanded by a Justice to give surety of the peace of his own morion, till such a day, he may release it before the day if he please: but where one is bound to keep the Peace, and no time assigned, it is during life, and none can release it but the King. *Brook. Peace* 17.

Where the Peace is granted against one, the party that desired it, may release it before that Justice that took it, or any other, if the Justices will certifie; and this Certificate will release the party bound to appear at the next Quarter Sessions, and save his Recognizance.

Where a Recognizance is taken by the discretion of the Justices, or upon suit, the King cannot release it before forfeiture, and when the Peace is released, the Recognizance shall not be cancelled, but certified at the next Quarter Sessions, because it may be the peace was broken before the release.

A Recognizance cannot be discharged by the Justice,

Justice nor the party, for he is bound to the King, none but he can release it ; and it is taken for the appearance of the party, and the release cannot discharge the appearance. *Brook tit. Peace 17.*

The common usage at the Sessions is, if the Justices certifies the release, the party obligated is discharged : for the principal cause of the Recognizance was the keeping of the Peace, and that being discharged, the appearance is but an accessory thereunto ; and if the party to whom he is bound will not release, the only intent is, that he should finde new security.

Of a Rescous of a Felon.

R*escous* in Law, is to help a Felon to make his escape : if in prison for felony, it is felony in the Rescouer, but the Rescous before a Felon is arrested is no felony, but after it is. *Vide Stamf. 31.* The rescousing one going to Gaole is felony, and it is felony to rescous one against whom a warrant is granted for unlawfull hunting Deer or Conies.

He shall be bound to his good behaviour that makes a Rescous against any Officer, that is appointed for the execution of 39 *Eliz. ca. 4.* and forfeits 5 *l.*

Where a stranger, with the consent of the prisoner being for felony, this by the Common Law is felony in the Rescouer, and he is an Accessary by the Statute. See *Magna Charta de Prisonam frangentibus.*

Where one is in the Stocks upon suspicion of felony, it is felony in any that shall let him out, though he that escaped was not indicted.

Of Restitution of Possessions.

NOne shall have a Writ of Restitution but they that are put out of their Houses or Lands ; and where

where any have held Houses or Lands contrary to 8 Hen. 6. ca. 9. the Justices may put him in possession again; but first the outring of possession must be found. Yet there shall no restitution be made where there was only a possession in Law, and, in a Restitution to finde the parties outring, unless the Indictments contain in it, [*& adhuc extratenet.*]

Restitution can be made to none but the partie oured, and after the Justices have found the force, he may himself, or the Sheriff, give a Precept under the Teste of himself, to have the partie restored.

No other Justice can make restitution but they before whom the Indictment is found, except the Justices of Kings Bench, to whom it is certified: And where the Indictment is defective either in matter or form, Justices can award a Writ of possession, and in the Indictment there must not be named only an Entry, but a putting out, and it must expresse the nature of the thing where it is, Land, Wood or Pasture, and must say, *& adhuc extratenet & expulerunt*; and likewise there must be in the Indictment one of these two words, [*Manu forti, vel Multitudine.*]

Where error or insufficiency is in the Indictment taken before the Justices of the Peace, and restitution awarded, any two present at the taking, may at another Sessions, or without, award a *Superseas* if restitution be not made, and if the Justices make it upon an insufficient Indictment, if it be removed into the Kings Bench, that Court will restore the party to his possession again.

Thore

There are many Causes to stay a Restitution.

THERE shall be no Restitution upon an Indictment, if the indicted hath been in quiet possession 3 yeers next before the day of the Indictment found, his Estate not ended, which the party may alleadge for stay of Restitution, till tryed, if the other will traverse or deny the same, 31 *Elix. ca. 11.*

A Traverse, Certiorari, insufficiency of the indictment, insufficiency of Jurors, not having according to the Statute 40 s. *per Ann.* may be caused to stay the restitution of the possession. *Vide Lamb. 152.*

A Justice of peace may give restitution as formerly to Free-holders, to Tenants for yeers, by Copy of Court Roll, Guardians in Knights service, Tenants by *Elegit*, Statute, Marchant or Staple, 21 *Jac. ca. 15.*

Where the Disseisee entreth peaceably, and keepeth out the Disseisor by force, the Disseisor shall not be restored, because the Disseisor had the younger title; yet the Disseisee shall suffer imprisonment, because he held with force.

A possession may be preserved by having servants, children, or any for them, either in the house, or on the Land; but Cattle on the ground cannot keep it.

Of the Restitution of stollen Goods.

WHERE Goods are stollen, if the felon be indicted and arraigned, and found guilty, or any wayes else attainted, by reason of evidence given by him that was robbed, or by his endeavour, though he never

never make fresh suit or Hue and Cry, yet he shall have his Goods again; and the Justices have power to award a Writ of Restitution, 21 Hen. 8. ca. 11. Broo. Restitution 22.

If three are robbed, he only shall have his Goods at whose suit the felon was indicted; and likewise where there are divers Thieves, one Principal is attainted, the Owner shall have restitution: but if they were sold in an open Fair or Market, there shall be no restitution, unlesse the buyer knew the goods were stollen; neither where the felon waiveth the Goods, and the Lord of the Mannor seiseth them: yet if the felon had not the goods with or about him, they are not waived, but the Owner may take them wheresoever he findes them, *Coke's. part 109.*

One had his horse stollen, and he proclaimed it, but knew not who it was, so that he could not tell who to indict, it seems he can never gain his horse again. It was his folly to publish it as a stolen horse, for he might have made a demand of it as lost, and when he knew who took his horse, he might have his action against him.

Of Robbery.

RObbery is when any one with force takes any thing from a mans person, with an intention to steal it, putting the party in dread and fear: though the thing taken be but to the value of a peny, it is death by the Law without Clergy.

Where a Thief assaulteth me, and takes nothing from my person, yet if he in that assault takes any thing, it is robbery; as by his threatning I cast my Purse on the High-way, and he takes it, and after assault intreats me to give my Money to him, and I do

do it; if I fly from a Thief, and cast my Purse in a hedge, and he findes it and takes it; or if in flying my Cloak or Coat falls off, and the thief take it; in all these it is robbery. It is robbery in some cases, though he assault me not, nor take it from my person;

As where a thief takes my goods from me in my view, against my will, the fear is all one as if he had taken it from my person; as if a thief take my Cattle out of my grounds in my presence, and put me in fear; for, to make it robbery, he must put me in dread, *Vide Cromps. 34.*

Two come to rob me, one acts it being not in view of the other, and after they meet together and share it, it is robbery in both, 28 *Eliz. Pudseys Case*. But where one assaults one, and takes nothing, it is not robbery.

Where a robbery is committed, if the thief be not taken within 40 dayes, the Hundred shall make satisfaction; if in two Hundreds, both Hundreds must answer the losse, and the Franches within them, and the Hundred where no Hue and Cry is, one half, 27 *Eliz. ca. 17.*

No man shall bring an action upon the Statute of Hue and Cry, except the be examined within 20 daye before the action brought upon his Oath before one Justice of the County where the robbery was done, That he knowes not the robbers. If he confesse he knowes any of them, he must enter into Recognizance to prosecute them, before he can bring his action according to Law, 27 *Eliz. ca. 13.*

After the robbery committed, he must give notice to some inhabitant of the Hundred with all convenient speed, and he must begin his action within a year and a day, after the robbery, he must be examined

mined before the next Justice of Peace : and the two next Justices, one of the *Quorum*, upon a recovery against the Hundred may attesse all Towns, Parishes and Liberties within the Hundred for an equal Tax, the Moneys the Constable must deliver to the Justice so collected within 10 dayes after, and they upon demand to the party robbed, and the Hundred shall be assessed upon default of Hue and Cry and fresh suit ; but a robbery in a house the Hundred shall not be chargeable for, were it in the day or night ; and the Hundred shall be discharged upon pursuit, taking any of the offenders.

Of Robbery in a House.

ANy that shall commit a Robbery in a house, Out-house, Barn or Stable, taking to the value of 5 s. or robbing a house in the day or night, putting any person therein in fear : Robbing any one in a part of his dwelling house, any body sleeping or waking in any part thereof :

Also robbing any Booth or Tent in Fair or Market, any person being therein, asleep or awake : All these Offences shall suffer the same punishment as Burglary, 21 Hen. 8. 5 Edw. 6. ca. 9. 39 Eliz. ca. 15.

Of Rogues.

ANy guilty of the Crimes or Offences hereafter expressed, may by the Statute of the 39 Eliz. ca. 4 be punished as Rogues. All going about wandering or begging, though licensed (except in some cases) may be punished as Rogues.

All using any unlawfull Games or subtil Art,
Mysterie

Myserie or Craft, to deceive the People, as Fortune-tellers, or Stage-players not licensed, all Patient-garherers, Proctors, Collectors for Prisons or Hospitals.

All Fencers, Bearwards and Fidlers; wandring abroad; all Pedlers, petty Chapmen, Tinkers and Glasse-men, wandring abroad, 1 *Jac. ca. 7.*

All wandring Labourers of able bodies, refusing to work for reasonable wages, having no maintenance but their labour to support them; But such as are of any Parish, able to labour, and doe not wander, refusing to work for the accustomed wages in those parts, shall be sent to the house of Correction; and likewise the poor of the Parish, begging otherwise then is appointed them, or in the High-ways, are to be sent thither, all pretending to be *Egyptians*, not being felons.

Souldiers or Mariners that shall be taken begging, excepte such as have a testimonial from a Justice neer the place of their landing, with the name of their dwelling to which they are going, and the limitation for their travel, and pursuing their License, according to the 39 *Elix. ca. 4.* or counterfeiting a Certificate from any of their Officers, the Statute terms Rogues.

All persons diseased going to the Baths, though licensed, if they beg; or not licensed by two Justices, if not returning within the limitation of their time.

Servants departing their services without testimonial, or counterfeiting one; persons infected with the Plague, or inhabiting infected houses, going abroad contrary to order, 1 *Jac. cap. 31.*

Persons able to labour and relieve themselves and Families, that run away, and threaten to leave them upon the Parish, 7 *Jac. ca. 4.*

Any

Any calling himself a Scholar, and goes about begging; any delivered out of Gaole, that hath begged for Fees.

Any Justice may command any of these persons to be openly whipped, that shall be thus taken wandering, or misgoverning themselves, and are declared by the 39 Eliz. ca. 4. to be Rogues, Vagrants or sturdy Beggars, and shall cause them to be whipped, and sent from Parish to Parish, to the place where they were born, or the place they last dwelt in; if not to be known, to the parish they last passed through without correction: And the Justice shall make a testimonial under his hand and seal, of his punishment, of the day and place, and whither he is to travel, and the time limited. And in case the place of his birth cannot be known, then he shall be conveyed by the Officer of that place through which he passed without punishment, to the house of Correction or Common Gaole, there to remain in work till he be placed in a service for a year; not being able of body, till he be placed in an Almes-house of that place or County.

The Law accompts him an incorrigible Rogue, that falsely sets down the place of his birth, or last place of habitation, and the Constable with the advice of the Minister may send him to the house of Correction; if there be none, to the common Gaole till the next Sessions.

Where a woman and her children are taken begging or wandering, they are to be placed with the husband; if dead, to the place of their birth or last abode.

Wandering Children, with their Parents, under 7 years old, being settled at the place of their birth or last dwelling, their Parents dead, or running
Q away,

away, the Children once settled, must remain there, and the wife wandering shall be sent to the husband, though he be but a servant.

A Rogue that will not discover his place of birth or dwelling, and it cannot be known, having wife and children under 7 years old, must be sent to the place where last they were suffered to passe unpunished; and if the Parents be sent to the house of Correction, they must be relieved by their work.

Where a Rogue is sent to a Town, and the Overseers and Churchwardens refuse to take him, the forfeiture is 5 l.

He that shall hinder the convey of Rogues, according to the Statute of the 39 *Eliz.* forfeits 5 l. and 2 Justices may binde him to the good behaviour that shall offend therein: upon the Offenders confession, or the oath of two witnesses, a Justice by Warrant under his hand and seal, may cause the said penalty of 5 l. to be levied by distresse, or sale of the offenders Goods, 39 *Eliz. ca. 4.* And a Rogue having got a generall Passport, if he continue it, shall be whipped: And all questions growing upon the Statute of Rogues, may be heard and determined by two Justices, one of the *Quorum*.

Where any Constable or Tything-man shall neglect his Office in the apprehension of Rogues, or wilfully give way for their escaping, without punishment, he forfeits for every offence 20 s. And if he convey them not to the place of their birth or last abode, he shall lose 5 l. 1 *Fac. ca. 7.* And the Minister not registering the testimonial of their punishment in his Parish, forfeits for every default 5 s. And every Constable is to carry such beggars, as come to their doors for Almes, to the Stocks, upon pain of 10 s. 1 *Fac. ca. 7.*

Justices

Justices are to meet twice a year, or oftener if occasion require, in their several Divisions, for the execution of the Statute of Vagabonds: and some time before the Justices sit, the Constables shall make a search by night in all the Towns and Parishes, within their Hundred, for the apprehending of Rogues, and bring them before the Justices to be punished or sent to the house of Correction as they deserve; 21 Jac. 28.

The Constables at the Justices meeting, for the executing of the Statute, must give an accompt upon their Oaths in writing, and under the hand of the Minister of the Parish, what Rogues they have taken in their search, and how many they have punished, and sent to the house of Correction; and in default thereof pay 40 s. to be assessed by most of the Justices; and none but vagrant Rogues shall be put out of the places where they live, or sent to the places of their birth; nor those whose time in their houses are ended, or servants whose times are expired; for they must provide them other houses, and servants new services, if not impotent: And dangerous Rogues are to be banished, or condemned to the Gallies, by the Justices at the Quarter Sessions, 39 Eliz. ca. 4.

Those Rogues that the Justices condemn as incorrigible at the Quarter Sessions, shall be branded with the Letter R. and then to be sent to the last place they lived in by the space of a year; if not known, to the place of their birth; if taken afterwards begging or wandring abroad, it is felony without Clergy, 1 Jac. ca. 7.

Mariners or Souldiers having a testimonial under the hand of the next Justice where they landed, the time being limited to the place where he is to

goe, may ask relief in his travel, 39 *Elix. ca. 17.*

Two Justices may send any sturdy Rogue to the house of Correction, if he be able to work, threatening to leave his charge upon the Parish, being proved by the Oath of two witnesses, before the said Justices, unlesse he put in sufficient security to the Parish, for their discharge, 7 *Jac. ca. 4.* And the Law terms that man an incorrigible Rogue, that runs away, and leaves his charge upon the Parish, and he shall be punished according to the Statute, 7 *Jac. ca. 4.*

Of a Rout.

A Rout is, where three or more persons meet, to commit some wrong with force, whether they effect their purpose or no; if they move or go forward, to put it in execution, it is in the intendment of Law a Rout: Or it is, where three or more assemble themselves, of their own heads, in a tumultuary manner, without any order of Law, to pull down a house, wall, pales or ditch, or any other inclosure, pretending to have a title to a Common, or way there, or to beat any man.

Of Sacrilege.

Sacrilege is the taking away any thing with a felonious intent, either in Church or Chappel, as the Communion Cup, or any other thing in the Church, or any Ornaments there: and it is death without Clergy, as you may see *Lam. 420.*

Of

Of the Sacraments.

Where any deprave the Sacrament of the Lords Supper, any 3 Justices may take the examination upon Oath, and 2 witnesses shall be sufficient to condemn those that have offended; and the Justices must binde them all to give evidence at the trial; and those that are found guilty, shall be imprisoned and fined. *Vide 1 Edw. 6. ca. 1.* And any three Justices, one of the *Quorum*, are impowered to award *Capias Exigent*, and *Capias utlagat*. in any Shire where the Offenders shall be, that have abused the Sacraments.

The Justices of Peace, in their Quarter Sessions, may enquire, hear and determine, all persons that have offended, as well for not receiving the Sacrament, as not coming to Church; and they shall be indicted in the Sessions for not coming to Church, or not receiving the Sacrament; to make proclamation to render their bodies to the Sheriff before the next Sessions, or else to be convicted, 3 *Jac. ca. 4.*

Of Schoolmasters.

Whoever shall maintain or keep a Schoolmaster, that comes not to Church, or that is not allowed by the Bishop or Ordinary of the Diocese, the maintainer loses for every moneth 10 *l.* and the Schoolmaster shall lie in prison a year without pay, and be utterly disabled for ever, 23 *Eliz. ca. 1.*

And any keeping a School, or being a Schoolmaster out of the University, except a publick Gram-

mar-school, and such as teach Noble-mens and Gentlemens Children in their houses, not being Recusants, and are licensed by the Archbishop, or Guardian of the Diocese; the Keeper, and School-master, forfeit 40 s. a day, 1 Jac. ca. 4.

Of Sectaries and Seditious Persons.

ONe Justice of Peace may require of any seditious sectary or Popish Recusant, according to the 35 Eliz. ca. 1. his submission to conformity, and if he submits not, may require him to abjure the Realm; if he then refuse, or after return, not having a License, it is felony, 35 Eliz. ca. 1. & 2.

Of the Sessions of the Peace.

THe Sessions of the Peace is thus defined, To be an Assembly of two or more Justices, one being of the *Quorum*, at a certain day and place limited and appointed within their Commission, to enquire by a Jury, or otherwise to take knowledge, thereupon to hear and determine causes according to their Commission, and the Statutes that referre themselves to their Judicature; as you may read in *Lamb. 378.*

A Sessions may be kept without any Writ of summons, but the non-appearance of any forfeits or loseth nothing; the ancient course is by Precept to the Sheriff, and he is to make a return of it at Sessions. A summons of the Sessions may be made by any two Justices, one being of the *Quorum*, but the *Custos Rotulorum* cannot do it alone; and the Justices *Supersedeas* cannot discharge the summons, but

but it must be done by a *Superfedeas* out of the Chancery.

Where a Sessions is held by one Justice, it is not good, though summoned by two putting their names to it; but two may, one being of the *Quorum*, though three names be to it. *Vide Lamb.*

By the Statute of the 2 Hen. 5. ca. 4. Quarter-Sessions must be 4 times a year, the first week after St. Michael, the Epiphany, the clause of Easter, and the translation of St. Thomas the Martyr. By the Statute of the 33 Hen. 8. ca. 10. Easter Sessions are to be held the Tuesday next after Low Sunday, 36 Edw. 3. ca. 12. Yet *Crompt.* noteth the Statute 12 Rich. 2. ca. 10. that it is by that Statute ordained, that the Sessions be held quarterly at the least, and three dayes, if need be; whereby it appears the usual day not of necessity.

And upon the Statute 17 Rich. 2. 9. they may keep Sessions as often as need shall require; and in *Kent Crompton* saith, they keep their Sessions at other times then is appointed by the Statute, 2 Hen. 5. ca. 4. and it is good.

The place for keeping the Sessions is arbitrable, and though they summon the Sessions at one place, and keep them in another, yet it is good; but then there can be no amerciament in default of appearance; And where in the same County at one time two Sessions are summoned at several places, yet good; and the appearance at one place shall excuse the default at the other, and presentments taken at either are lawfull.

At a general Sessions all businesses wherein the Justices are authorized, either by their Commission or by the Statutes, must be given in charge, but not at a special Sessions, and it may be held 3 dayes^t
12 Rich. 2. ca. 10.

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Ther^e

There be divers owes their attendance at the Quarter Sessions; as the *Custos Rotulorum*, whose attendance may be in person, or by deputation; the Clerk of the Peace, Sheriff, Coroners, Ministers, Bailiffs of Franchises, Constables of Hundreds, the Ordinary, Jurors for Enquiry and Triall.

Either by the Statute, or by the power of their Commission, Justices of Peace may keep a special Sessions, 1 Hen. 5. ca. 4. Most commonly a special Sessions is upon extraordinary matter, and not for the general service of the County.

Where any two Justices, one being of the *Quorum*, send a summons to the Sheriff, for a Sessions to be kept at such a day and place, and to return a Jury before them; none but the King by his Writ of *Superedeas* can discharge it.

And where a Justice by his Precept commands one to appear at the next Sessions; who do not, no *Scire facias* shall go out to warn him any more; but a *Subpoena*; yet he may be attached upon a contempt. *Crompt.*

There shall none be arrested or molested, that are compelled to come to Sessions, for the publick employment; for upon complaint or examination of the matter, upon oath, they shall be set at liberty.

Where a Justice shall have any violence used to his person as he is going to Sessions, he may record in force, and that record shall be their conviction.

Of the Commission of Sewers.

When any Commission of Sewers is ended, any 6 Justices, one of the *Quorum*, may execute the Lawes that are provided for the Commission of Sewers, for a whole year after, if a new Commission

mission be not taken out in the *interim*, as you may see *Crompt.* 190.

Of Transportation of Sheep.

THe transportation of Sheep, without License, the second offence is felony in the Transporter and Procurer, 23 *Hen.* 8. *ca.* 16.

Where any shall bring or receive into any Ship any live Sheep, to be transported out of the Kings Dominions, or he that shall procure the same, forfeits his goods, imprisonment for a year, and in the open market shall lose his left hand, 8 *Elix.* *ca.* 3.

None shall keep above 2000 Sheep of all sorts, if he offends herein, according to this Statute, his forfeiture is 3 s. 4 d. for every Sheep, 28 *Hen.* 8. *ca.* 13.

Of Sheriffs.

THe *Custos Rotulorum*, or the eldest of the *Quorum*, in his absence, at *Michaelmas* Selsions, shall appoint two Justices, one of the *Quorum*, to have the controlement of the Sheriff, under-Sheriff, their Officers and Deputies, and to have the perusal of their Books and Amerciaments in their County-Courts, and either of these two Justices, or one of them, may examine the Sheriff, or under-Sheriff and Plaintiff, concerning the entering of Plaints in their Court-Books, against the Statute 11 *Hen.* 7. *ca.* 15.

Where any Plaint shall be entred in their books, the Plaintiff or his Attorney, not being in Court, if he finde not Pledges sufficient to pursue his plaint, well

well approved of in that County ; if he enter more Plaints then one in a Trespass or Contract, or entering more Plaints than the Plaintiff hath cause of action against the Defendant, and upon any default the Justices shall find it ; it shall be a conviction, and the forfeiture is 40 s. to the King, and to the Informer that shall sue : and to the Justices, shall within three moneths after certify the examination ; and so for Bailiffs of Hundreds, in not warning the Defendants to appear.

Sheriffs shall not make out any Estreats to levy the Amerciaments, till two Justices have had the perusal of the Books ; and the said Indentures shall be sealed between the Sheriff and the Justices concerning the fines and amerciaments that are to be estreated out of the Exchequer, and may likewise examine the defaults of Collectors of Sheriffs Amerciaments : they finding of defaults, it shall be a conviction of 40 s. certifying the examination into the Exchequer.

The Sheriff must be at Sessions to return his precept and keep his Prisoners.

All Sheriffs by the Statute of the 23 Hen. 6. ca. 10. forfeit 10 l. and treble damages, that shall lett his Bailiwick or Hundred, or returns in his Pannels any Bailiff, Officers servants or subservants ; or refusing to bayl those that are baylable, offering security ; or that shall take an obligation by colour of his Office, but to himself only, upon condition to appear according to the Writ or Warrant ; or that takes above 20 d. for arrest, for Warrant or Precept 4 d. or above 4 d. for returning a Pannell, or a Gaoler that takes above 4 d. for one committed to ward upon an arrest, upon an Attachment.

That Sheriff that shall levy any of the Kings debts
with-

without shewing the Estraits under the Chequer Seal, shall be fined, and pay treble dammages to the party, 7 Hen. 4. ca. 3, 42 Edw. 3. ca. 9.

That Sheriff loseth 10 l. that shall by himself or any of his Officers, arrest, imprison, or levy any Amerciament, by reason of an Indictment or Presentment made in the Sheriffs turn, without proccesse first obtained out of the Sessions by the Justices, or not brought in such indictment or presentment to the Justices at the next Sessions, or that shall return any Writ or Juror, without true addition of the place of his abode, or within a year next before that same addition might be known, forfeits 5 Marks to the King, and as much to the party, 27 Eliz. ca. 7.

That Sheriff or Gaoler denying to receive felons by the delivery of a Constable, or Town, or having taken any thing for the receipt of such, shall be fined, 4 Eliz. ca. 10.

That Sheriff or other his Officer that refuseth to pay the moiety of the penalties of the Statute concerning the forfeitures of Alehouse-keepers, 4 Jac. ca. 4. unlicensed, forfeits double the value.

When a Justice of Peace is chosen Sheriff, his authority *pro tempore* as Justice, is suspended during his Sheriffwick.

Of Souldiers.

ANy Souldier that shall be sent with Horse or Arms, that purloyns or embezles either Horse or Arms, upon complaint to a Justice shall be imprisoned without Bayl, till satisfaction, unlesse formerly punished by his Generall, or other; or that he can make it appear forthwith in writing under seal, the lawfull losse therof, 2 & 3 Edw. 6. ca. 1.

It shall be felony in any Souldier passing off this Kingdom

Kingdom beyond the Seas, not having taken the Oath of Allegiance before, by the Officer that is appointed for that purpose, 3 *Jac.* 4.

Any that is a Gentleman, or of higher degree, or Captain, or other Officer in Camp, passing to serve any forain Prince, &c. before he be bound to the King, with two sureties, before the Officer appointed, not to be reconciled to the Pope; or consenting to any conspiracy against the King, but to disclose all upon knowledge thereof, it is felony: And if a Souldier having taken Presse-money shall depart, it is likewise felony, 2 *Hen.* 8. *ca.* 1. 3 *Hen.* 8. *ca.* 5. or if they depart without License, having served in the Kings Warres; And so also in Mariners and Gunners, that having taken Presse-money and departing without License, having served the King in his warres, unlesse they have a License from their head Officer, or other Commander in chief, 5 *Eliz.* *ca.* 5.

In many other cases, as these ensuing, Mariners and Souldiers become Felons, as you may see by the 39 *Eliz.* *ca.* 17. Such as wander up and down in an idle life, or that are come from Sea, and do not repair to the next Justice where they landed, to have a testimonial to go to the place of their birth or last abode, or having a testimonial, and the time limited for their travel, and then do exceed it, it is felony; or to have a forged testimonial, knowing it, or to forge one, or being retained departing without license of his Master; in all these cases, it is felony.

Any poor Souldier or Mariner that hath suffered shipwrack, may repair to the next Justice where he landed, for a license to passe to the place of his birth or last abode, and ask relief in his travel according

to the time limited him, 39 *Eliz. ca. 17.*

The greater part of the Justices may tax any Parish, for the relief of maimed Souldiers, at the Sessions next after *Easter*, no parish being above 10 *d.* and under 2 *d.* weekly, to be payd, so as the total sum in any County where there shall be above 50 Parishes, do not exceed 6 *d.* every Parish.

The Taxes shall be assessed by Assessors amongst themselves; in default of that, by the Churchwardens and petty Constables, or the greater part of them; in default thereof, by the Justices, or Justice of Peace dwelling there; if none, in the Parish next adjoining, 43 *Eliz. ca. 3.* In default of payment, the Churchwardens or petty Constables shall levy it by distresse and sale of Goods, *Statut. ubi supra.* The Church-wardens and petty Constables are to pay their Collection 10 dayes before every Quarter Sessions to the High Constable, and the High Constable every Quarter Sessions to the Treasurer: The Church-wardens and petty Constables in default of payment forfeit 20 *s.* every High Constable 40 *s.* to be levyed by the Treasurer, by distresse and sale of their Goods, 43 *Eliz. ca. 3.*

He that shall be Treasurer for maimed Souldiers, must have 10 *l.* in Lands, or 15 *l.* in Goods, in the Subsidy-book, to be but for a year, and 10 dayes after *Easter* to give an accompt to his Successor; for default, or other misdemeanour in his place, to be fined 5 *l.* or above, as the major part of the Justices think fit. *ubi supra.*

Any Mariner or Souldier that hath been maimed in the Kings service, or sick, upon a certificate from the Generall, Muster-master, or Receiver of the Muster-Roll, Treasurer or Controller of the County where he was press'd; if not, then to the Treasurer of the County

County where he last dwelt by the space of three years, if he is able to travell so far; if not, to the Treasurer of the County where he landed: he is by him to be relieved till the Quarter Sessions, and then the major part of the Justices may grant him a pension during life, if it be not duly revoked or altered, 43 *Elix. ca. 3.*

The Pensions that are granted at Quarter Sessions, the Treasurers are to pay quarterly, and upon refusal shall be fined, *per Statut. ubi supra.* And the Pensions of Souldiers and Mariners not to be above 10 l. under a Lievtenant 15 l. a Captain 20 l. 43 *Elix. ca. 3.* and they may be altered or quite extinguished by the Justices at the Quarter Sessions, *per Statut. ubi supra.*

And all Treasurers must enter the names of all that they pay Pensions to, in a book, with their Certificates, *ubi supra*: And where he will not allow the Certificate according to the 23 of *Elix. ca. 3.* he must endorse the cause thereof on the Certificate; and if that after a Souldier or Mariner having a Pension, or counterfeiting a Certificate, begges, he loseth his Pension, and is accompred a Rogue; and if that Souldier or Mariner cannot be relieved in the Parish that he was born in, by reason that the Taxes are otherwise employed, he shall be relieved in the Parish that he dwelt last in by the space of 3 years, and all the over-plus of the Taxes for the maimed Souldiers, shall be employed to the use of the poor, by the greaser part of the Justices at Quarter Sessions, unlesse it be appointed for future Pensions, *per idem Statutum.*

Of the County-Stock.

THE Parishioners shall choose Assessors within themselves, in default of them the Churchwardens and Constables for the Taxes imposed upon the Parishes, after *Easter Sessions*, for the relief of the Prisoners in the Kings Bench, *Marshallsey*, Hospitals, and losses by fire; in default of them, any Justice of Peace in the Parish; if none, then in the next: and they may cause the same to be levied by distress and sale of their Goods, rendering the over-plus; in default of distress, may commit them to Gaole till payment, 43 *Eliz. ca. 1.*

In the taxing of mens Estates, the best way of Land is the yearly value, not the quantity, and he that hath Tillage or other Lands in divers Parishes, shall be taxed in every Parish accordingly; the Leasor shall not be rated, but the Farmer: No man shall be taxed for his Farm Rents, but the Occupier of the Lands shall be chargeable by Goods; a man may be charged as well as his Lands, but not by both.

A man shall be chargeable for Goods at that place only where the Goods are at the time of the Assessment; and the Constable, and the greater part of the Parishioners giving warning in the Church, by Law may make Taxes. *Coke 5. part. 67.* And so may the Churchwardens with some of the Parish for Church Taxes; and where a man is charged by Goods, they must be *Bona Notabilia*.

of

Of Subsidies.

TWO Justices where proof that a Subsidy-man hath by fraud escaped his Tax, may lay double the value that he was to pay; and further punishments may be inflicted, as in their discretion they shall think meet.

Of the Sabbath.

ALl persons shall come to their Parish Churches or Chappels, on Sundayes, or other dayes appointed, to hear Common-prayer, and there behave themselves orderly at the time of Divine Service and preaching: every offence the penalty is 12 d. to be levied by the Church-wardens to the use of the poor, by distresse, whether he be Recusant convict or not, 1 *Elix. ca. 2.* Or else upon complaint to a Justice, he shall grant his Warrant to bring the Offendor before him, and upon confession, or oath of one witness, cause the Church-wardens to levy the penalty of 12 d. for the poor, upon every default, upon want of distresse, to commit him to prison; every Delinquent to be called in question within one moneth after the offence committed, 3 *Jac. ca. 4.*

There shall be no meeting or concourse of people out of their own Parishes, nor any unlawfull sports used, as Beare-bairings, Bull-bairings, Interludes, Common-playes, upon the forfeiture of 3 s. 4 d. to the poors use; upon view of one Justice, confession, or oath of one witness, to be levied by Warrant of the said Justice; and in default of distresse, to be put in the Stocks three hours, 1 *Car. ca. 1.*

Any Waggoner, Carrier, Wain-man or Drover,
that

that shall travel upon the Sunday, with Horse, Waggon, or any Cattle, the penalty of every offence is 20 s. Neither shall any Butcher kill or sell any Cattle upon the Lords day, upon the forfeiture of 6 s. 8 d. upon the view of one Justice, confession, or oath of two witnesses: the penalty to be levied by the Constable to the poors use, by any that shall sue for the same at the Quarter Sessions, in the same County, within six moneths, and the third part to have for his pains, 1 *Car. ca.* 1. And likewise he that shall shew Boors or Shoors, with an intent to sell them, loses 3 s. 4 d. and the value of them; 1 *Jac. ca.* 22.

Of *Supersedeas*'s.

A *Supersedeas* may be good in Law, though the name and sureties are not in it, nor contain the sum they are bound in; yet *Lamb.* 96. holds it better if it do: When a *Supersedeas* is given to the Officer, if he urge new sureties, and the party refusing is committed, he may bring his action against him.

Where a *Supersedeas* comes out of the *Chancery*, it is with the Recognizance to be certified at the next Sessions; and if the *Supersedeas* testifies that he hath found sureties in the *Chancery* at a certain day which is after the Sessions, the *Supersedeas* may come to his hands after his Recognizance was taken, for it may be the Recognizance was broken before the purchase of the *Supersedeas*.

It is a *Queere*, Whether a Justice can grant a *Supersedeas*, *Lamb.* 123. By *Dalt.* it is affirmed in 197.

A *Supersedeas* made by a Justice of Peace, and is returned under his seal, to prove a Recognizance

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zance is sufficient being taken for the Peace, and a Warrant to call the party bound; and making default, the Justice may record the same.

And where a Justice by *Superfedeas* will discharge a Precept for the Peace, awarded by another, *virtute Officii*; and not by *supplicavit*, the Recognizance must be taken according to the Precept.

The nature of a *Certiorari* is a *Superfedeas* in itself when it comes to remove a Record, yet the party may have a *Superfedeas* to the Sheriff, that the arrest had, but not upon the Justices Record; and it is a *Quere*, Whether the Justices *ex officio*, after a *Certiorari* ought to award their *Superfedeas* to stay proceedings upon the Record.

Where an *Exigent* is awarded, a *Superfedeas* out of the Chancery will stay an Indictment of a Trespas before the Justices, upon sureties found there to appear upon the day in the Writ, though one be taken upon it: And *Crompt.* and *Dalt.* both affirm, it may be done by one Justice.

And where a *Superfedeas* is directed to the Justices and Sheriff, the Justice to whose hands it comes may keep it, and deliver the Libell to the party.

But where a *Superfedeas* is directed out of the Chancery or Kings Bench for the peace or good behaviour, it is voyd, unlesse upon a motion in the Court, and Sureties given upon the penalty of 10 l. in Lands, or 10 l. in Goods, in the Subsidy: unless it appear to the Court, that Process for the Peace or Good Behaviour is prosecuted against the definer of such *Superfedeas bona fide*, by some grieved in the Court, for whom the *Superfedeas* is requested, 21. Jac. ca. 8. It is a *Quere*, Whether the party bound, sending the *Superfedeas* to the Sessions, be discharged

discharged of his appearance there: the President runs, that the party bound appeared and prayed allowance.

Of a Supplicavit.

A *Supplicavit* shall be executed by him only to whom it is delivered, and the Justice that hath the Writ to him delivered may make his Warrant to the Constable, or another indifferent party: if he refuse to finde sureties, to carry him to prison, and the party attached must be before him that sent out the Warrant, and the Justice must execute the *Supplicavit* as it is directed; and it is the safest way, where the sums be left to the discretion of the Justice, to binde the party in a good penalty; *Dalt. 187.* After sureties taken, the Justices may make him a *Supersedeas*, and the Justice needs not return the *Supplicavit*, neither make a Certificate untill a *Certiorari* come to him.

Of the Oath of Supremacy.

HE that shall deny the taking of the Oath of Supremacy, the first offence is *Premunire*; the second, treason; *5 Eliz. ca. 1.*

Of suspicion of Felony.

A Ny suspected for Felony cannot be arrested upon a Justices warrant, unless he be first indicted: for if the Bayliff suspects him, he may do it without a warrant; and without suspicion a Justices warrant is no warrant, *Crompt. 147, 148. Brooks faux imprisonment 8.* Neither is suspicion only without felony

ommitted, a sufficient cause to arrest one. Every man that is of evil fame may be arrested upon suspicion of felony: Where one is committed, if he makes a resistance, the beating him may be justified, and the Constable must suspect him for the felony, before he arrests him, *Crompt.* 99. and must shew some cause of his suspecting him: else any man that bears any malice to another, may arrest him only out of revenge.

Of Swans.

THe taking away from any mans grounds the egges of Swans, upon conviction, and the examination of witnesses, the forfeiture is 10 l. and imprisonment for a yeer and a day: Where Swans are tame and marked, that are kept in any mans Mannours or private Rivers, to steal them, is felony.

Of Swearing.

WHere one is convicted of swearing an Oath, either by his own confession, or the oath of two witnesses, or in the hearing of a Justice, the penalty is 12 d. for every oath, to the poor where the crime is committed; the offence to be proved within twenty dayes after, to be levied by distresse; having no distresse, to lye in the Stocks three hours, 21 *Jac. ca.* 20. 3 *Car. ca.* 4. and the Warrant for the distresse shall be made to the Constable, Churchwardens and Overseers of the poor of that place where the offence was committed. *Ubi supra.*

If the offender be not 12 yeers of age, and doth not presently pay 12 d. by warrant from the Justice, he shall be whipped by the Constable, in the presence of his Master or Parents. *Ubi supra.*

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Of Taxes.

TAXES made for the Republick, as for making or mending of Bridges, High-wayes, Causeyes, Sea-banks, shall be upon all, though they dissent to it, *Coke 5. part 63.* Where any is amerced by the consent of the Inhabitants, there is an Assessment, and they choose one to gather it; and for the non-payment at the day appointed, to distress, and a distress is taken for the rates, and it is good. *Brook Customs 6. Coke 5. part. 63. Doctor and Student. 74.*

Of Testimonials.

ONE Justice of Peace may make a testimonial under his hand and seal, for any to passe in Hay-time and Harvest, out of one County to another, to get work. It is good in all Passes and Testimonials to put down a description of the party that hath it, that he may be certainly known from others.

But the Testimonial of a Serving-man put out of his service, or whose Master is dead, must be by two Justices, *27 Eliz. ca. 11.* Neither ought any that is retayned in husbandry, to depart without a Testimonial, *5 Eliz. ca. 4.*

Of Threatning.

HE may crave the peace, that shall be threatned to be hurt, beaten, maimed, wounded or killed;

Quere, Whether a man may desire the peace against one that threatens to burn his Goods: But threatening to imprison a man, is no cause to crave the Peace, for the Law will right him by an action of false imprisonment.

It is a forceable Entry in any that shall enter peaceably, and then put the other that was in the house before out of doors, and threaten him, if he come thither again. he will kill him: If he come again to make his Entry, if then the other threaten to kill him, it is a forceable Detainer.

Of Tile-making.

THe offence in making of Tile, may be heard and determined by one Justice of Peace, and upon examination, or otherwise, may assesse the fine therein limited, and may appoint two men skilfull therein to be the Searchers, 17 *Edw. 4. ca. 4.*

All Earth for the composure of Tyle must be digged before the first of *Novemb.* to be turned and stirred before the first of *February* following, and to be sifted from stones, veins and chalk, and not to be converted into Tile before *March* following: the penalty is double the value to the buyer, 17 *Edw. 4. ca. 4.*

Tyle called plain-Tyle, for sale, must be ten inches and a half long, six inches and a quarter broad, three quarters of an inch thick, or lose 5 s. in every hundred, *ubi supra.* Roof-tyle 13 inches long, half inch and half quarter of an inch thick, necessarily deep, or forfeits 6 s. 8 d. a hundred, *ibid.* Gutter-tyle ten inches and a half long, conveniently broad, and in depth and thickness; the forfeiture is 2 s. in the hundred: And those that are ap-

appointed searchers for Tyle, every default is 10 s.
ubi supra.

Of Tythes.

2. Ed. 6. 13.

WHere any will not obey the Judges sentence in the Ecclesiastical Court, of or concerning any misdemeanours committed by Defendants, in suits for Tythes; two Justices, one being of the *Quorum*, may upon complaint made to them, commit them to prison, till they finde sureties by Recognizance, to be obedient to the sentence and proceſſe of the Judge, 27 *Eliz. ca. 11.* And likewise where there is a complaint in writing made by a Judge Ecclesiastical, that hath given a definitive sentence against one that wilfully denyes the payment of his Tythes, or the sum of Money adjudged against him, any two Justices may cause him to be attached and imprisoned, till he finde surety to perform the sentence, 32 *Hen. 8. ca. 2.* 27 *Ed. ii.* 32. 4. 8. 2.

Of Toll.

That Miller that shall take toll by heaped measure, shall be fined. *Vide* the Statute 31 *Edw. 1.* By the Statute 52 *Hen. 3. ca. 3.* shall be grievously amerced, *viz.* the 20 part, or 24 part of the Corn, according to the Standard at *Winton.*

A Miller shall take out of every bushel of Wheat but three Wine-pintes, of a bushel of Malt one pinte; where the Corn is brought to him; because that a Mill will grinde three bushels of Malt to one bushel of Wheat: Yet it is a *Quere*, the Statute of the 51 *Hen. 3. ca. 3.* expresseth not how much.

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If any Toll-gatherer takes above a peny for any Contract, entering the names of the parties, in any Fair or Market between ten in the morning and Sun-setting, forfeits 10 s. and to make satisfaction to the party wronged, 1 & 2 *Phil. & Mar. ca. 2.*

If the Toll-taker knowes not the party that shall sell any Mare or Horse, he must bring a sufficient witness testifying the knowing the sellers, their names and places, mysterie and addition, and then enter it in the Toll-book, or else the forfeiture is 5 l. 31 *Eliz. ca. 12.* And he that shall give the Toll-taker a false testimony, shall also lose 5 l. *ubi supra.*

And if a thief enters a stolen Horse by a false name, the sale is voyd, and the Toll-taker that shall refuse to give to the buyer or taker of such a Horse a true note in writing of his Entry, the party paying 2 d. for the same, forfeits 5 l. 31 *Eliz. ca. 12.*

Of Transportation.

Any may transport any Grain at these prices, if not prohibited by Proclamation, Wheat at 26 s. 8 d. per quarter, Rye and Pease at 15 s. Barley and Oats at 14 s. by the Statute 21 *Jac. ca. 28.* 3 *Car. ca. 4.*

Any subject that is born in this Kingdom, may in any Fair or Market buy any Corn, to sell it again; or may carry any Corn beyond the Seas, so as it be transported in *English* Vessels, except it be forbidden by the Kings Proclamation, 3 *Car. ca. 4.* Wheat 32 s. per quarter, Rye and Pease 20 s. Beans and Barley 16 s. And Beer may be transported, when the Malt exceeds not 16 s. the quarter.

Of a Traverse.

A Traverse in Law is taken for the denyal of the chief substance of an Indictment: A Traverse upon a forceable Entry or Detayner found upon an Indictment. *Lamb.* 158. makes a *Quere* before whom it shall be rendered: Yet the Justices, upon a Traverse of a forceable Entry, by the Statute the Justices must make restitution, 8 *Hen.* 6. or else certifie the presentment into the Kings Bench. *ubi supra.*

A Traverse lyes where one Justice will take upon him to record a Riot within his view, yet the party shall not be concluded thereby. A Traverse of an Indictment in Treason or Felony is not to be admitted: And that Court that may award a Process *ad respondend.* may take a Traverse; but you cannot traverse a blood-shed that is found in the Sheriffs turn before the Justices of peace; neither where one of the Inquest presents himself, can it be traversed.

Where a Process *ad respondend.* comes out upon an Indictment that is traverseable, the party may have his Traverse; and it is a *Quere*, whether any can be admitted to Traverse a presentment, unless his Freehold is charged.

Of Travelling beyond Sea.

HE that is an Officer of a Port or Owner of a Vessel that shall suffer any under 21. to goe (except Sailers, Ship-boyes, Apprentices or Factors of Merchants in their Trades) without the Kings License, or six of the Privy Council, under their hands and seals; such Officer of a Port loseth his Office,

Office, the owner of the Ship his Vessel, and imprisonment one year without bayl, and both of them forfeits all their Goods, 3 *fac. ca. 4.*

Any that shall goe over the Sea to serve any forain State; without the taking of the Oath of Allegiance, before the Comptroller or the Customier of the Port, shall be a Felon, and the Oath to be certified into the Chequer yearly, on the penalty of 5 *l. per idem Statutum.*

Any that is a Gentleman, or of a greater degree, or Captain, or other Officer, that shall goe beyond the Sea, must be bound by the Officer of the Port where he takes Shipping, with two sureties to the King, in 20 *l.* not to be reconciled to the Pope, nor practise any thing against the King, but knowing any thing, must reveal it; the bond to be certified into the Exchequer yearly, upon the forfeiture of 5 *l.*

Any Children, not being Apprentices, Souldiers, Merchants, Factors, Mariners, going beyond Sea without the Kings License, or six of the Privy Council, whereof the chief Secretary to be one, under their hands and seals; shall take no benefit by descent or otherwise, of any Lands, Leases, Goods and Chattels, untill they being 18 years old, or upward, take the Oath of Allegiance, before the Justice of Peace where their Parents dwell; and in the *interim* the next of Kin to enjoy the Lands, Goods and Chattels, till they conform and take the Oath, and receive the Sacrament, and then they shall accompt for the mean profits, and in reasonable times to make payment thereof upon the penalty of 100 *l.* one part to the King, the second to the Informer, the third to the poor, 3 *fac. ca. 5.*

Of Travellers.

IF any Victualler shall refuse to lodge any Traveller, the Justice or Constable may compell him; the offence shall be presented at the Assizes or Sessions, or else he may bring his action upon the case. *Brooke, Action sur le case 76.* And Sir James Lee's opinion was, that an Ale-house-keeper, or Inn-keeper shall be indicted, fined, and imprisoned, or the party grieved may have his Action. *Vide Dalt. 28.*

Of Treason.

TRreason is thus defined, It is an offence committed against our Sovereign Lord the King, in his person; or against the Queen his Wife; his Realm, or his Authority: To intend the death of the King, Queen, eldest Son; though not effected. *Vide Dalt. 227.* To deflowre the Kings Wife; his eldest Daughter, being unmarried; or his eldest Sons wife.

To levy War against the King in his Kingdom, *Brooke, Treason 24.* or to but conspire it; or with a Governour of a forain State to invade it; to kill one sent on the Kings business; to kill any that shall assist the King in his Warres, or that comes to aid him: To help the Kings enemies in his Realm; to counterfeit the Great Seal, Sign Manual, Privy Signet, or Privy Seal: To take an old Seal and put it to a new Patent, *Stamford 3.* And *Brooke Treason the 3.* puts a *Quere* upon it, Whether Treason or Misprision of Treason, or any that shall set the Kings seal to any Writing, or fraudulently thrust in a Writing amongst others, and so get it sealed without authority.

To

To counterfeit the Kings Coyn, or any Money currant in this Kingdom: To bring any false Money, knowing it to be so: To clip, lighten or wash any Coyn currant in *England*: To coyn Money without any Authority; or any that is authorized to coyn, shall coyn any lesse in weight then the Ordinance, or false Metal. *Brook Treason* 19.

By the 25 *Edw. 3. ca. 2.* all counsellors, aiders, procurers, consenters, comforters or abettors, are all principals in Treason, admitting of no accessory.

The counterfeiting Gold or Silver, nor being the Coyn of this Kingdom, is but misprision of Treason, 14 *Elix. ca. 3.*

To kill the Kings Chancellour, Treasurer, Justice in Eyre, of Affize, of Oyer and Terminer, in his place, or doing his Office, is Treason.

He that shall extoll the See of *Rome* in any of the Kings Dominions; and the procurers, counsellors, aiders and maintainers thereof, the first offence *præmunire*, the second Treason 5 *Elix. ca. 1.* Or to bring any Books that maintains any such Authority, and the readers and hearers that shall justify them, and deliverers of such Books to others, with allowance and liking of the same, the Printers and utterers of such Books, be all within the Statute 5 *Elix. ca. 11.*

The refusing the Oath of Supremacy, first offence is *Præmunire*, the second Treason, 5 *Elix. ca. 11.* To obtain from *Rome* or any other Authority from thence, any Bulls to reconcile and absolve such as intend to forsake their obedience to the King, and give it to the Pope, or give or take absolution by such Bull, or publish or put in execution such Bulls, 13 *Elix. ca. 2.*

It is Treason to absolve, perswade, or withdraw any Subject from their obedience to the King, or reconcile

reconcile them to the Pope, or procure, assist or maintain the same, except according to the Statute they submit to the same, 3 *Jac. ca. 4.*

If any Jesuite, Priest, or any Ecclesiastical person, created by the authority of *Rome*, come into any of the Kings Dominions contrary to the 27 *Eliz. ca. 7.* it is Treason: To compass a Usurpers death, is Treason, for which the Offender may be arraigned in another Kings time. *Brooke Treason 10.*

He that intends to deprive or depose the King, though it takes no effect, or to say he will be King after the Kings death, is Treason: To set at liberty any committed for Treason, is by the Common Law of *England* Treason; as one imprisoned for Felony breaketh Prison, and a Traitor escapeth, it is Treason in him.

And the common Law makes it Treason in any one that voluntarily suffers one to escape that is committed or arrested for Treason. *Stamf. 32.*

He that commits Treason, the forfeiture is all his Lands and Goods to the King; and now by the 26 *Hen. 8. ca. 13.* & *Edw. 6. ca. 11.* his Lands intailed, and his wifes Dower, except in some cases.

The Judgement of a man is, to be drawn upon a Hurdle, hanged, cut down alive, his bowels to be cut and burned before his face, and his head and quarters to be disposed at the Kings pleasure; the woman to be drawn likewise, and burned, *Stamf. 182.*

Of Petty Treason.

IT is petty Treason, when one of malice prepened murders any one where he owes duty or obedience, as if he kills his Master or Mistris. *Stamf. 10. J. Coke 11. part 34. & 25 Edw. 3. ca. 2.*

If a servant after departure from his Master kills him upon malice conceived in his service, it is petty Treason in him. *Brooke Treason* 1.5. *Coke* 1. part 99.b. Or where the servant hires another to kill his Master and he kills him in his presence, it is petty Treason in the servant, and Murder in the stranger. *Vide Plaw. Com.* 105. a.

Where a servant commands one to beat his Master, and he kills him, it is petty Treason, if he be present: the wife murders the husband, it is petty Treason; but if the husband kills his wife, it is but Murder in him.

Where the wife procures one to kill her husband, and he doth it in the wives absence, it is murder in the stranger, and in the wife as an accessary.

Where the wife poysons any thing, with an intent to poyson her husband, who eating of it, is sick, but recovers; and a stranger eats of it, and dies; it is only murder in the wife. *Co.* 9. 81. *Plow.* 474.

Where the Father shall be maliciously poysoned by his Childe, though he gives him no allowance for his Maintenance, yet it is petty Treason in the Son, in regard he hath broken the order of nature.

Where a Bastard kills his mother, it is petty Treason; for she is known certainly.

It is petty Treason in the Son-in-law to kill the Father-in-law, co-inhabiting with him, and doing him service, but the Indictment shall goe in the name of a servant.

It is likewise petty Treason in a Clerk to kill his Ordinary, 19 *Hen.* 6. ca. 47.

What act shall prove Murder in strangers, the same where obedience is owing, is petty Treason.

It is petty Treason, where any that shall break the Prison, & any are in for Treason do escape, 1 *Hen.* 6.5 *Brooke* tit. Treason 11. The

The punishment in petty Treason is, the man shall be drawn and hanged, the woman shall be burned alive, as it is in High Treason, 1 Hen. 34.

There shall no Book be allowed to any person, be he Ecclesiastical or Lay, that shall be found guilty of any manner of petty Treason, nor any Accessary thereto before the fact, 12 Hen. 7. ca. 7. 23 Hen. 8. ca. 1. 28 Hen. 8. ca. 8. 5 Phil. & Mar. ca. 4.

In petty Treason the forfeiture is, the King shall have his Goods and his Lands for a year and day, and the Lord the Escheat thereof; but having but an Estate Tayl, he forfeits but his life. *Stamf.* 186, 187. If the husband be attainted in petty Treason, the wife shall lose her Dower.

The Justices have the same power in petty Treason as in Felony, either to binde to Sessions or Assizes the Offenders, or to take Bayl, or to commit without, as the case requires.

Of Trials.

Noblemen and Gentlemen, in Felony and Treason shall be tryed by their Equals, and likewise in Misprision of Treason: And in Riots, Routs, and all unlawfull Assemblies, Noblemen shall be tryed by the Common Law, by common Jurors.

And all forain pleas, that are to be tryed by Juries, and pleaded by any Indictment of Treason, Murder or Felony, shall be in the County where the party is arraigned, and by a Jury of the same County, 32 Hen. 8. ca. 3. But where Aliens be indicted of Felony or Murder, they shall have their Jury *per modicam linguam*.

Peers of the Realm, indicted for Treason, shall be tryed by their Peers, 3 Jac. ca. 4.

Where

Where any Treason, Misprision of Treason, or concealment, done or committed out of this Kingdom, shall be enquired of, and tried within the Kingdom, 35 Hen. 8. ca. 2. *Coke Institutes* 261. b.

Where any hath committed Felony or Treason, being no Lord of the Parliament, he shall be tryed by Knights and others: and so shall Bishops, because they be but Lords of the Parliament by their Office, not by their Nobility. *Vide Crompt.* 110.

Of Verdicts.

ANy Jury may in the case of Felony, give, if they will, a special Verdict, and the Court upon the hearing of the matter, may adjudge contrary to the Verdict: And if the Indictment say, The Goods feloniously taken were worth 12 d. yet the Jury may find them under value, and so but petty Larceny; and where a man was arraigned of Murder, the Jury finde it but Manslaughter, and good.

Of Vessels.

ALL Vessels for Ale and Beer, shall be made of seasoned wood, and marked by him that sealed it.

Every barrel for Ale and Beer, and so every lesser vessel, by the 32 Hen. 8. ca. 4. ought to contain Beer a barrel 36 gallons, a Kilderkin 18, a Firkin 9; Ale 32 gallons, a Kilderkin 16, a Firkin 8 gallons: But by the Statute 1 Jac. ca. 9. by retayl the sale of Ale and Beer shall be one and the same measure, viz. by the Ale-quart.

A Tun of wine shall contain 252 gallons, a Pipe 126, a Hoghead of Oyl 63 gallons, a barrel 32 and a half, Honey a runlet 16 & a half, as you may read the *szes. Dalt.* 152.

Herring

Herring the barrel, half-barrel, firkin, shall be of the same content with the Ale; in the barrel 42 gallons, 13 *Edw. ca. 11*. And Sope and Butter shall contain as the Ale doth, and the empty barrel not to be in weight above 26 pound; and for other vessels in proportion, 23 *Hen. 8. ca. 4*. For every default, the penalty is 3 s. 4 d.

Of Viſtuallers and Viſtuals.

ANy that shall sell any Viſtuals, as Butchers, Fishmongers, Inholders, Tiplers, Brewers, Bakers, Poulterers, at immoderate and unreasonable prices or rates, shall lose double the value, 23 *Edw. 3. ca. 6*.

A Brewer that shall sell his beer at higher rates then hath been assessed by the Justices, loseth 6 s. per barrel, 23 *Hen. 8. ca. 4*.

Where any of the above specified sellers shall between themselves take an oath, or conspire to sell but at such prices; first offence is 10 l. or 20 dayes imprisonment; second offence 20 l. or the Pillory; the third, 40 l. or lose an ear, 2 *Edw. 6. ca. 16*.

To sell unwholsome flesh, meazelled or murrain flesh. *Vide 53. Hen. 3.* it is fineable as the Judges or Justices shall think fit.

The proceſſe that the Statute Warrants against Viſtuallers is, *Attach. capias et Exigent. Vide 23 Hen. 6. ca. 13.*

The Brewer that shall sell either Beer or Ale to any unlicensed Ale-house, other then for their own necessary use, forfeits for every barrel so sold 6 s. 8 d. one moiety to the poor, the other to the Informer, to be enquired of and heard at the Quarter Sessions, 4 *Jac. ca. 4*.

He that shall in levying the penalty according to 4 *Jac. 4.* not giving the moiety to the Churchwar-

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dens

dens and Overseers of the poor, to be distributed to them within convenient time after the receipt, for-
feits double, to be recovered as the former, *per idem Statutum*: And a Victualler is within the Statute
1 Jac. 9. 4 Jac. ca. 5. 1 Car. ca. 4.

Of wages.

Rates of Servants wages, and Labourers are to be appointed by the Justices in *Easter Sessions*, and they are to have them engrossed in parchment, under their hands and seals, and then the Sheriff shall cause proclamation to be made of the several rates, in several places in the County, and then 'tis as well as if the same had been set down by the Chancellour or Lord Keeper *pro tempore*, and after the Kings Majesties Declaration shall come forth, and then it shall be certified into the Chancery, 39 Eliz. ca. 12. 1 Jac. 6. He that shall give any wages contrary to the Statute, shall forfeit 5 l. 5 Eliz. ca. 4. 1 Jac. ca. 6.

And those Justices of Peace that shall not assemble at *Easter Sessions* (not having a lawfull excuse) being testified by the oath of one, that he is in Subsidy 5 l. or within six weeks after, to rate servants wages, shall pay 10 l. 5 Eliz. ca. 4.

Any that have authority, by the Statute of the 5 Eliz. ca. 4. for the rating of servants wages, shall be impowered to rate the wages of Labourers, Weavers, Spinners, or any that shall work by day, moneth, or yeer, or by the great, 1 Jac. ca. 6.

There is no forfeiture for the not certifying the rates of wages into the Chancery by the Statute 5 Eliz. ca. 4. if duly proclaimed, 1 Jac. ca. 6. and the rates shall be ingrossed in Parchment, and kept by the *Custos Rotulorum*; if in a Corporation, amongst the Records thereof, 1 Jac. ca. 6.

It lyes in the power of any two Justices to imprison the Master without bayl 10 dayes, for giving; and the servant 21 dayes, for taking greater wages then are assessed by the Justices, and Proclamation thereof in the County. All Contracts, Promises, Retainers, payments or bonds to the contrary are voyd, being not according to the Statute of 3 *Elix. ca. 4.*

Any Justice of Peace may bring his action of debt against the Sheriff that denyes the payment of his wages at the Sessions.

The Justices of Peace shall be payd their wages out of the fines and amerciaments at the Sessions, and the fines must be assessed in Court, and the Clerk of the Peace shall indent the Estreats between the Justices and the Sheriff, the Justices shall put their hands and seals unto it, that the Sheriff may know to whom to pay wages, and levy the same to pay the Justices, and the Sheriff shall have allowance for it in his accompt in the Exchequer, 14 *Rich. 2. ca. 11.*

Of Warrants.

IF any commits a Riot within a Justices view, he may commit them, and make them finde sureties for their good behaviour without a warrant: So upon an Affray, Assault, threatning, or any breach of the peace, in the Justices presence, he may command the Officer to commit and finde sureties; but for any cause out of his sight the Justice cannot command any to be arrested, but must send his Warrant. *Brook Peace 7.*

The Justices Warrant must be under hand and seal, or hand at least, but it is better under both.

A warrant for treason, murder, or felony, needs not contain the special matter, or any Capital Crime; but a warrant for the Peace or good behaviour, must

set down the special matter ; and a warrant, bearing date at the place where it is made, and the day and year, is best.

Where a Justice, being out of the County where he is Justice of Peace, sends a warrant to apprehend one in that County, he cannot bring the party before him, but must bring him before some Justice in the County.

Any Justice may make his warrant specially to come before himself, if he will, but the usual course is, before me or some of my fellow Justices, *Coke 5. part 59.* And in some cases he may grant his warrant to attach the offender, to be at the next Sessions to answer his offence ; and he may grant his warrant upon any misdemeanour against the peace, & make him find surerries for either the peace or good behaviour.

And where the Statute giveth authority to Justices of the Peace, to cause another to do a thing, they have power to grant their warrant to bring them before them, & so to take order therein : And where a Justice grants his warrant where he hath no authority, the Constable or other inferior Officer cannot dispute it, but it must be obeyed ; but where he grants his warrant out of his jurisdiction, or where he is no Justice, there if the Officer execute it, he shall be punished, *Coke 6. part 54. 9. & part 68.* Any that shall by warrant be arrested in the Kings name, must obey the warrant, and not dispute it ; if the warrant be not lawfull, the party hath his remedy by an action of false imprisonment, *Coke 9. part 68.*

A warrant for the peace may be directed to any other person, as well as an Officer ; yet the usual way is, and the best and most certain, to have it directed to an Officer.

A sworn and known Officer needs not shew his warrant ; if he shall resist him at his own peril he stands

stands, whatsoever shall happen: but one that is not known, must shew his authority before he arrests, yet a warrant directed to the Constable and a stranger, and executed by the stranger only, is good: And a warrant directed to two joyntly to arrest another, one may do it. But where any man is arrested without a warrant, and he afterwards procures one, this is not justifiable: But an officer having a warrant for the Peace or good behaviour, if resisted, may justify the breaking open of the dore.

A Justice may make his warrant to the Sheriff to attach one, and bring him to the Sessions to finde surerly for the Peace; and where a warrant is directed by a Justice of peace to the Sheriff, the Justice may by word command any known Officer under him, without precept in writing.

A known officer not shewing his warrant, if the party desires it, shall tell him the contents of it. *Coke 6. part 54.*

Where a man is arrested, and is let go, upon promise of coming again, and comes not, the Officer must make fresh suit, or else he cannot arrest him upon the same warrant. *Brooks faux impr. 18.*

Where any shall abuse a Justices warrant, by tearing or stamping it under his feet, he shall be indicted and fined, for it is the Kings proceffe, and the dishonour is to the King, and not to the Justice, and shall be bound to his good behaviour.

Before the Justice grants his warrant for murder, robbery or felony, it is meet that he should examine the party, & binde him over to give in evidence at the next Gaol-delivery. A Justice of peace cannot grant his warrant against any that have committed any offence against a penal Statute, to appear at Sessions; unless he cause him first to be indicted.

A Justice of peace was fined in *Star Chamber*, for sending a warrant to one, upon request, with a blank, and the party would put in the name against one for felony that he knew not, nor the offence committed. *Vide Crompt. Jurisdiction of Courts* 34.

All warrants in his Majesties name, ought to have their directions to all Officers and Ministers as well within Liberties as without; and warrant may be made either in the Kings name, or in the Justices, and either of them must be attested by the Justice that sends out the warrant.

Of the form of the Justices Warrant for the Peace.

Camb. **F**Orasmuch as *B. A.* the wife of *W. A.* of your said Town, hath required the peace of *T. B.* and withall hath taken her corporal Oath before me *C. A.* one of his Majesties Justices of the peace, that she requireth nor the same for any private hatred or ill will, but for that she is afraid of her life, or the hurting or maiming of her body, or the burning of of her houses: These are therefore to will and require you, and in his Majesties name to charge and command you, that immediately upon sight hereof, you do require the said *T. B.* to come before me or some other of his Majesties Justices of Peace within the said County, to finde sufficient sureties of the Peace, as well for his appearance at the next Quarter Sessions to be holden for the said County, as also that the said *T. B.* shall in the mean time keep the Kings Majesties peace, as well toward his said Majesty and all his Liege people, and especially towards the said *B. A.* and if he shall refuse so to doe, that then you do command the said *T. B.* to the common Gaol for the said County, there to remain till he shall willingly do the same, and see that you certifie your doings

doings to the Justices at the said Sessions, and have you there this Precept. Dated, &c.

Another of the same.

J. C. miles, unus Justic. Dom. Regis ad pacem in Com. C. conservand. assign. &c. Vic. salutem : Ex parte Dom. Regis vobis et cuilibet vestrum mando, quod attach. seu unus vestrum attachiat. J. S. de &c. ita quod habeatis seu unus vestrum habeat corpus ejus coram me, vel uno sociorum meorum, &c. ad inveniend. securitatem pacis quod ipse non fac. nec fieri procurabit quovis modo aliquod dampnum corporale alicui de populo Dom. Regis, nec de incendio domorum suarum per predict. J. S. gravit. & manifeste comminat. existit, prout mihi sacramentum prestitit corporale, et si hoc recusaverit, tunc ad Gaolam Dom. Regis Com. predict. duci faciatis, seu unus vestrum duci faciet, ibidem moratur. quousque hoc gratis facere voluerit. Et qualiter hoc mandatum fuerit executum mihi et sociis meis (Custodibus pacis Com. predict.) ad prox. Sessionem pacis in Com. predict. tenend. certifice. & habeas ibi tunc hoc precept. Sigillo meo sigillat. Datum, &c.

A Warrant for the Good Behaviour.

South. **F**Orasmuch as A. B. of your said Town is not of good name and fame, nor of honest conversation, but a Rioter, Barreter and Perturber of the Peace of our said Sovereign Lord, as we are given to understand, by the complaint of sundry credible persons : Therefore on the behalf of our said Sovereign Lord, we command you, and every of you, that immediately, &c. you cause the said A. B. to come before us, or some other of our fellow Justices, to finde sufficient Surety and Mainprise as well for his good abearing towards our said Sovereign Lord, and all his Liege people, untill the next Quarter Sessions of the peace to be holden in the said County, as also for his appearance

pearance then and there, and if he shall refuse so to do
(as in the Warrant for the peace, &c.)

Or thus.

Cam. **F**Orasmuch as we have been credibly informed,
that *S. W.* of your Town, &c. is a man of evil
behaviour, and one that daily moveth discord between
his neighbours, and a common disturber of his Maje-
sties peace : These are therefore in his Majesties
name to command you, &c.

A Warrant upon the Peace upon a Supplicavit.

South. **C.** *H.* Knight, one of the Justices of the Peace
of our Sovereign Lord the King, within the
County of *S.* to the Sheriff of the said County, the
High Constable of the Hundred of *R.* and other his
Majesties Officers, as well within Liberties as without,
in the said County, and to every of them, greeting.
Know ye, that I have received the Writ of our said
Sovereign Lord in these words (*reciting the Writ of
Supplicavit*) therefore on the behalf of our said Sove-
raign Lord, I command you joyntly and severally,
that immediately upon sight hereof, you cause the said
A. B. to come before me at my house in *C.* to finde
sufficient Surety and Mainprise for the peace, to be
kept towards our said Sovereign Lord & all his Liege
people, and especially towards the said *C. D.* and if
the said *A. B.* shall refuse thus to do, that then you
safely convey him to his Majesties Gaol at the Castle
of *S.* there to remain untill he shall willingly do the
same, so that he may be before the Justices of the
Peace of our said Sovereign Lord within the said
County, at the next general Sessions of the Peace, to
be holden for the said County, there to answer to our
said Sovereign Lord, for his contempt in that behalf,
and see that you certifie your doings in the premisses
to the said Justices at the said Sessions, bringing then
thither

thither this Precept with you. Given at C. aforesaid,
&c.

A general Warrant for a Misdemeanour.

S. *ff.* **J.** C. Knight, one of the Justices, &c. to the Constables, &c. and to either of them. These are to will and require you, and in his Majesties name straitly to charge and command you, and either of you, that immediately upon sight hereof, you bring *J. H.* of your said T. Butcher, before me, to answer to such matters of misdemeanour as, on his Majesties behalf, shall be objected against him, and hercof fail you not at your peril. Dated, &c.

To attach one for Felony.

S. *ff.* **F**Orasmuch as complaint hath been made unto me by C. D. that of late hath had certain Goods taken from him feloniously, and that he hath in suspicion one R. G. of your said Town : These are therefore to will and require you, &c. presently upon receipt hereof, to attach the body of the said R. G. and thereupon to bring him before me, to answer the premisses. And hercof fail you not, at your perils. Dated, &c.

To search for stolen Goods.

S. **W**Hereas complaint hath been made to me by N. O. that of late he hath had feloniously taken from him certain Goods, and that he hath in suspicion divers lewd and evil disposed persons within your Parish : These are to will, &c. that immediately upon receipt hereof, you diligently search in all and every such suspected houses and places within your Parish, as you and this Complainant shall think convenient, and if upon your said search you finde any of the said Goods, or other just cause of suspicion, that then you bring all such suspected persons as you shall finde before me, to answer unto the premisses. And hercof fail you not, &c.

To

To binde men to give in Evidence.

THese are in the Kings Majesties name to charge and command you, &c. that presently upon sight hereof, you or some of you do cause to come before me or some other of his Majesties Justices of Peace of this County, the persons hereunder named, to the end that they and every of them may be bound to make their personal appearance at the next general Gaol-delivery to be holden for this County, and then and there to testifie their and every of their knowledge, concerning certain felonious acts committed by one *A. B.* now a prisoner in the Castle of *S.* And hereof fail you not, &c.

A Hue and Cry after Robbers.

To all Constables and all other his Majesties Officers, &c.

WHereas complaint hath been made unto me *A. B.* one of his Majesties Justices of Peace within the said County of *C.* by *J. S.* of &c. Husbandman, that upon Thursday night last being, &c. he was robbed of certain Goods taken out his house, and that he hath manifest cause of suspicion of one *A. B.* a lewd Rogue (*here he may describe his form and Clothes :*) These are in his Majesties name to require you, and every of you, to make search within your several Precincts for the said *A. B.* and also to make Hue and Cry after him from Town to Town, and from County to County, and that as well by horsemen as footmen, and if you shall finde him the said *A. B.* then you carry him before some one of his Majesties Justices of the Peace within the County where he shall be taken, by him to be dealt withall according to law, &c.

A Warrant for one that hath hurt another.

S. J. FOrasmuch as I am credibly informed that *J. B.* of your Town, Yeoman, hath lately dangerously

gerously hurt one T. G. of your said Town H. so as the said T. is in danger of death thereby. These are therefore in the Kings Majesties name straightly to charge and command you that presently upon sight hereof you or one of you do bring the said J. B. before me or some of my fellow Justices of this County, to finde sufficient Sureties as well for his appearance before his Majesties Justices, at the next general Gaol-delivery to be holden for this County, and then and there to answer for the premisses, and to do and receive therefore that which by the Court shall be enjoined him, as also that he the said J. B. shall in the mean time keep his Majesties Peace towards his said Majesty and all his Liege people, and especially towards T. G. And hereof fail you not at your perils. Dated, &c.

For a Reputed Father of a Bastard.

WHereas complaint hath been made to me H. B. one of his Majesties Justices, &c. by K. J. of your Town, Spinster, that she is gotten with childe by one T. S. also of your said Town B. These are therefore to will and require you, and in his Majesties name to charge and command you, that presently upon receipt hereof, you attach the body of the said T. S. and thereupon to bring before me or some of my fellow Justices for this County, to finde sufficient sureties as well for his appearance at the next general Sessions of the Peace to be holden for this County, as also for his good behaviour towards his Majesty and all his Liege people in the mean time. And hereof fail you not, &c.

A Warrant for Overseers to give up their Account.

S. J. THese are in the Kings name to charge and command you, forthwith to give warning to the Churchwardens and other Overseers of the poor, of

of every Parish within your Hundred, that they do personally appear before us at N. at the sign of the G. upon such a day next, &c. to yield up and to make a true and perfect accompt in writing, subscribed with their names or marks, of all sums of Money that they have received, rated, and assessed, and not received, for and towards the relief of the Poor of their several Parishes; as also of such Stock to set the poor on work, as is in their hands, or in the hands of any, to set the said poor to work; and of all other things concerning the said Office: And hereof that they fail not at their and every of their perils. And further we require you, that you give warning to the petty Constable, within your said Hundred, that they or one of them also be there present before us, to inform and certifie us of the names of such persons as are meet and fitting to be Overseers of the poor within their several Towns, for this year next ensuing. And hereof fail you not, &c.

The warrant ought to be under the hands and seals of two Justices at the least, one of them being of the *Quorum*.

A Warrant to the New Overseers to take their Charge.

BY vertue of a Statute made in the 43 year of our Sovereign Lady Queen *Elizabeth*, entituled an Act for the relief of the poor, these are to will and require you whose names are hereunder written, that you together with the Churchwardens of your Parish, for the time being, do accordingly take order from time to time for this year to come, for the setting to work of the poor within your Parish, and for the raising of a convenient stock in your Town to that purpose, and for the providing of relief for such as be lame and impotent amongst you, and for the placing

as

as Apprentices such children as whose Parents are not able to maintain them, and hereof see that you fail not at your perils. Dated.

A Warrant to distrein for the Poor.

South. ff. **F**ORasmuch as we are credibly informed, that the persons hereunder named do refuse to contribute or pay to and for the relief of the poor, as it is rated upon them by the said Parish, according to the form of the Statute in that case made and provided: These are therefore in his Majesties name to charge and command you, and every one of you, forthwith to levy all such sums of Money as are unpaid, and all the arrearages thereof on all and every person so refusing, by distresse, and sale of the Offenders Goods, you tending to the parties the over-plus that shall remain upon the said Goods. And this shall be your sufficient warrant therein. Dated, &c.

A Warrant for a Fugitive Servant.

South. ff. **T**. B. unus Justic. &c. Vic. Com. predict. nec non J. B. Constabular. &c. Ex parte dicti Dom. Regis vobis & cuilibet vestrum mando quod attach. seu unus vestrum attach. W. R. de B. predict. Lab. Ita quod eum habeatis, seu unus vestrum habeat coram me vel sociis meis Justic. in Com. predict. conservand. nec non &c. assignat. ad prox. generalem Sessionem pacis in Com. predict. tenend. ad respondend. tam dicto Dom. Regi quam R. C. de &c. Ycoman, quare in servitio ipsius R. apud T. in Com. predict. nuper retentus, ab eodem servitio ante finem termini inter eos concordat. sine causa rationabili & licentia ipsius R. recessit in dicti Domini Regis nunc contemptum, & ipsius R. grave dampnum, et contra formam Statuti nuper edit. & provisi. Et habeatis, seu unus vestrum habeat, ibi tunc hoc Precept. Teste, &c.

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A Warrant for one refusing to serve.

South. ss. **M.** D. unus Justic. &c. R. L. Ballivo de
S. in Com. predicto salutem: Ex parte Dom.
Regis tibi mando quod attach. R. H. de S. in Com. pre-
dicto Lab. Ita quodeum habeas coram me vel sociis meis
Justic. dicti Com. Regis ad pacem in Com. predicto con-
servand, nec non ad diversa feloniam, transgr. & alia
malefacta in eodem Com. audiend. & terminand assignat.
ad proximam generalem Sessionem pacis in Com. predicto
tenend. ad respondend. tam dicto Domino Regi quam A.
C. de A. in Com. predicto, Yeo. quare ipse A. R. licet
in servitio congruo et statu suo p̄f̄at. B. C. fuit se-
pius requisit. ei servire, ipsum tamen R. C. penitus
recusavit, in dicti Dom. Regis contemptum et ipsius B.
C. grave dampnum, & contra formam Statuti de ser-
vientibus nuper editi et provisi. Et habeas ibi tunc hoc
mandatum. Tesse, &c.

For an Alehouse-keeper to renew his Recognizance.

J. S. Esq; one of his Majesties Justices of the Peace,
 &c. These are in his Majesties name to require
 you, that you direct your Precepts to every petty
 Constable within your Hundred, requiring them that
 they warn all Alehouse-keepers and Victuallers in
 their severall Towns within your said Hundred, to be
 and personally to appear before us at L. &c. and
 then and there bringing with them their former Li-
 censes, and further, that they bring with them a Cer-
 tificate of their finesse and honest behaviour in keep-
 ing of their Alehouses and Victualling-houses, under
 the hands of four at the least, and of the most sub-
 stantial Inhabitants of the Parishes where they so
 keep or dwell. And hereof, &c.

A Warrant to suppress an Alehouse.

T P. & J. B. two Justices of the Peace, &c. To the constables, &c. Whereas we are credibly informed that R. D. of your town, Victualler, is himself a man of evil behaviour, and doth suffer evil rule and disorder in his house, contrary to the Lawes and Statutes of this Realm: These are therefore in his Majesties name to will and command you forthwith to repair to the house of the said R. D. and to charge him to surcease from keeping any longer any Ale-house or Tipling-house, and from the common selling of Ale or Beer, at his peril, and withall that you cause his Sign to be pulled down. And hereof fail you not, as you will answer the contrary at your peril. Given under our hands and seals at B. &c.

A Warrant for all Victuallers to put in sureties for observing Fish-dayes according to the Proclamation.

To the High Constables of the Hundred of R.
and to either of them.

THese are in the Kings Majesties name to command you to warn all the Inn-holders, Taverners, Cooks, Alehouse-keepers, Burchers, and other Victuallers whatsoever, within your Hundred, personally to appear before us at L. &c. at the sign of G. there to bring with them Sureties that shall enter into bond with them, to his Majesties use, for the due observation of the Orders lately published for the restraint of killing, dressing, and eating of flesh in Lent, or upon Fish-dayes, according to his Majesties Proclamation in that behalf, and that you or one of you be then and there with us, to deliver us a note in writing,

ring of the names, surnames, and dwelling places of every of them, and of all other that victual without License within your Hundred, as you will answer the contrary at your perils. Dated, &c.

For levying the Forfeiture for not keeping the Assize.

T. B. Esq; one of the Justices, &c. Forasmuch as it hath been duly proved before me according to the Statute in that case provided, that G. W. of your said Town, Alehouse-keeper, hath lately uttered or sold in his house lesse then one full quart of the best Beer for 1 d. contrary to the form of the same Statute: These are therefore in his Majesties name to charge and command you forthwith to levy by distress of the Goods of the said G. W. the sum of 20 s. the same to be bestowed and employed by you to the use of the poor of your Parish, and if the said W. G. within six dayes next after such distress by you taken, shall not pay the said 20 s. that then you cause the said distresse presently to be prized and sold, and the over-plus that shall remain upon your said sale of the said Goods, that you render to the said G. W. And this shall be your sufficient Warrant herein. Dated, &c.

A Warrant for removing a petty Constable, and swearing of another.

South. ff. **C** Arolus, &c. Vic. S. &c. nec non capitali Constabulario Hundredi de R. et eorum cuilibet, salutem: Quia W. P. et R. S. Sub-constab. Ville de C. & R. (certis de causis nos moventibus) ab Officio suo amoveri & exadari fecimus; Ideo vobis & cuilibet vestrum conjunctim & divisim precipimus
et

& mandamus quod J. P. et R. M. ad omnia et singula eidem Officio incumbent. bene & fidelit. exercenda & exequenda prout ipsi inde nobis respondere voluerint intrare facialis, dictisq; W. P. et R. S. similiter iniungentes quod ipsi de dicto Officio ulterius exercenda et exequenda nullatenus se intromittant, quousque aliud a nobis habuerint mandatum. Et quicquid inde feceritis Justiciariis nostris ad pacem nostram in dicto Com. conservand. assignat. ad proximam generalem Sessionem Pacis apud S. in Com. predicto tunc certificetis. Hoc preceptum nostrum tunc & ibid. remittentes. Teste, &c.

The Constables Oath.

YOU shall swear that you shall well and truly serve our Sovereign Lord the King in the Office of a Constable: You shall see and cause his Majesties Peace to be well and truly kept and preserved according to your power: You shall arrest all such persons as in your sight shall ride or goe armed offensively, or shall commit or make any Riot, Affray, or other breach of his Majesties Peace; you shall do your best endeavour (upon complaint to you made) to apprehend all Felons, Barretors and Riorers, or persons riotously assembled, and if any such Offender shall make resistance (with force) you shall levy Hue and Cry, and shall pursue them untill they be taken; you shall do your best endeavour, that the Watch in and about your Town be duely kept, for the apprehending of Rogues, Vagabonds, Night-walkers, Evesdroppers, Scours, such as go armed, and the like; and that Hue and Cry be duely raised and pursued, according to the Statute of Winchester, against Murderers, Thieves, and other Felons: And that the Statutes made for the punishment of Rogues and Vagabonds

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gabonds, and such other idle persons coming within your bounds and limits, be duely put in execution; and you shall have a watchfull eye to such persons as shall maintain or keep any common house or place where any unlawfull Game is or shall be used; as also to such as shall frequent or use such places, or shall use or exercise any unlawfull Games there or elsewhere contrary to the Statutes. At your Assizes, Sessions of the Peace or Leet, you shall present all and every the offences done contrary to the Statutes made to restrain the inordinate haunting and ripsing in Innes, Ale houses, and other Victualling-houses, for repressing of drunkennesse; you shall there likewise true presentment make of all Bloud-sheddings, Affrayes, Outcries, Rescous, and other offences, committed or done against the Kings Majesties Peace within your limits; You shall once every yeer, during your Office, present at the Quarter Sessions all Popish Recusants within your Parish, and their Children above nine yeers old, and their Servants, their monethly absence from Church, and you shall have a care for the maintenance of Archery according to the Statute: You shall well and duely execute all Precepts and Warrants to you directed from the Justices of Peace of the Countrey, and you shall well and truly according to your knowledge, power, and ability, do and execute all other things belonging to the Office of a Constable, so long as you shall continue in this Office. So help you God. *Vide plus inde in Fitzherbert, Lambert, Crompton, & Dalton.*

Of watching.

ANy that are suspitious persons, or of evil fame one Justice may cause Night-watches to be kept for

for the arresting, 13. Edw. 1. Stat. Winton. ca. 9. All
Watches shall be kept yearly from Ascension day till
Michaelmas, in every Parish and Town, from Sun-
setting to Sun-rising.

Any stranger or person that is suspected, the Watch
may stay and examine them; and if they finde cause
may stay them, and if they resist may justifie the
beating of them, and if they get away, may levy Hue
and Cry after them, and that night put them in the
Stocks, and then have them before a Justice.

Any Justices of Peate may cause such persons as
sleep in the day, and walk in the night, to be appre-
hended, or such as haunt any houses suspected for
Bawdery, use any depoynt company, or commit any
outrages or misdemeanours, and to finde sureties for
their good behaviour.

No Inhabitant shall be enforced to watch at the
will of the Constable, but when his rimes by course
shall come, neither shall a Constable or other Offi-
cer compell any stranger, but those that dwell in the
Parishes or Towns.

Of Water-men.

Those Justices of Peace that live and reside near
the River of *Thames* within the Shire where the
said River is within his Jurisdiction are empowered
upon complaint by the Overseers or Rulers of the
Water-men and Wherry-men, or any two of them;
or by their Masters and Servants, to hear and deter-
mine all Offences committed against the Statute;
and if he see just cause, may set them at large; and
such as the Overseers and Rulers of the Watermen
have imprisoned, and may also punish those Rulers
and Overseers that have or shall have inflicted pu-
nishment

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nishments upon any unjustly, 2 & 3 Ph. & Ma ca. 16.

These are the offences that the Statute speaks of, No Water-man shall be a single man, 1 Jac. ca. 16. There must be 8 of the Overseers hands and seals to the writing of one of the two that shall row in a Boat; they shall not hide themselves from pressing for the Kings service, neither shall they take more for their fare then is specified and set down in their Hall. *Dalt.* puts it to a question whether Justices of the Peace can meddle with this.

Of Wax.

ANY Justice of Peace may punish such as make Wax Candles, or sell any other impressions in Wax, taking above 4d. in the pound clear gain, the forfeiture is the value of that which they sell, and a fine to the King, 11 Hen. 6. ca. 12.

Of Weeres.

ONE Justice of Peace may survey any Weere upon the River; if it be too narrow, he may cause them to be made of a reasonable wideness: and any that shall make any Weere within five miles of the mouth of any Haven or Creek, or Weers that shall be destructive to any Frey or Fish of the Sea, forfeits 10 l. one half to the King, the other to him that shall sue.

Of Weights and Measures.

TWO Justices, one of the *Quorum*, may hear and determine the defaults in Cities and Towns concerning their Officers in Weights and Measures twice yearly, and likewise the defaults of buyers and sellers by other weights and measures then are allowed, 11 Hen. 7. ca. 4. 12 Hen. 7. ca. 5.

Two

Two Justices, one of the *Quorum*, may break and burn such Measures as are defective, and make Proceſſe againſt them as treſpaſſers, 11 Hen. 7. ca. 5. 11 Hen. 7. ca. 4.

Any Maior that ſhall take above a peny for ſealing a Buſhel, or for the ſealing of any weight likewise 1 d. and ſo for any according to that proportion for any other leſſer weight, ſhall forfeit 40 s. 11 Hen. 7. ca. 4.

Thoſe that ſhall buy or ſell by any unlawfull Weights or Measures, or not lawfully marked or ſigned, the firſt default is 6 s. 8 d. ſecond is 13 s. 4 d. and the third 20 s. and ſtand in the Pillory.

Any that ſhall buy any Corn with heaped meaſure, unleſſe on Shipboard, or uſe any double meaſure, buying by one and ſelling by another, firſt offence is 6 s. 8 d. ſecond offence 13 s. 4 d. third is 20 s. and the Pillory, 11 Hen. 7. ca. 4. And where the Kings Standard remains in that Town, not having common Weights & Measures ſigned, or denying to ſell by the ſame, are to be fined and amerced, 11 Hen. 7. ca. 4.

Of Witchcraft.

Where any ſhall praſtiſe or uſe any invocation, conſultation, conjuration, or covenant to or with any evil or familiar ſpirit; or that take up any dead body, or any part thereof, to be uſed or praſtiſed in Witchcraft or Charms, or uſing any ſuch ſorcery whereby any perſon ſhall be killed, or any part of them waſted or lamed, it is felony in them and their Accessaries without Clergy, 1 Jac. ca. 11.

Where any ſhall by the uſe of Witchcraft and Charms tell of any thing that is loſt, or finde out any hidden treaſure, or do any ſuch unlawfull act, to provoke love to any one, or ſhall trie to deſtroy the

the body of any person, the first offence is one years imprisonment without Bayl or Mainprise, and to stand in the Pillory quarterly by the space of six hours, and confesse his offence, and the second is felony without Clergy, 1 Jac. ca. 12.

Noblemen, for Witchcraft or other Incantation, are to be tryed by their Peers, by the Statute 1 Jac. ca. 12. To any Attainder upon the said Statute, shall not be any losse of Dower, or corruption of blood, per idem Statutum.

Of Wines.

If any person shall bring any Wines in strange bottoms from France into any part of England, except to the Isle of Man and Wales, forfeits their Wines, 27 Eliz. ca. 11. And he that shall sell any Wines by retayl, that shall sell above the prices the Proclamation limits, every gallon so sold, the forfeiture is 3 s. 4 d. 27 Eliz. ca. 11.

He that is the Son of any under the degree of a Baron, having under 100 Marks a year in Land, and 1000 in Goods, that shall keep in his house any Gascoyn, French, or Rochet Wines, to spend, above the quantity of 10 gallons, forfeits 10 l. 7 Edw. 6 ca. 5.

Of Woad.

He that shall bring any Woad from France into any part of England, in any strange Bottom, the forfeiture by the 27 of Eliz. ca. 11. is the Woad so brought.

Of Wood.

Where there is any disagreement of the Commoners and the Lord, and they make a complaint of the Lord, two Justices may set forth the fourth part

part of the Lords Woods appointed by the greatest part of the Justices at the Quarter Sessions, nor being of Alliance of Kin, nor in Fee to either party; 12 of the Hundred, 25 Hen. 8. ca. 19. The Justices may call before them at the Quarter Sessions the Mayor of the Wood, and 12 of the Commoners to let out the fourth part.

He that shall be an Ingrosser or Regrater of any bark, shall lose his bark; 1 Jac. ca. 12.

None shall sell or sell any Oaks fit for barking, before April or after June, except for shipping or necessary building or repairing of houses or Mills, forfeits the Oaks or double the value, ca. 22.

Any Purveyor that shall take any Timber for the repairing of the Kings Ships or Houses, the owner shall keep the Lop-top and Bark; the Purveyor taking them shall forfeit for each tree to the party grieved 40 s. 1 Jac. ca. 22.

Of Wool.

None shall buy any Wooll but of the Owner of the Sheeps; or he that hath the Tythe, otherwise he forfeits the wooll, or the value thereof, 14 Rich. 2. ca. 4. Likewise he that shall buy any Woollen-Yarn, and makes not Cloth of it, forfeits the value of wooll, 8 Hen. 6. ca. 9.

Any that shall card, spin, sort, weave or kembe, or that shall receive of any Clothier any Wooll or Yarn, to make into any Cloth or Stuffe, that shall sell, detain or embezzle the same, if he that buyes it or receives it, having knowledge thereof, and being convicted thereof, by Confession, or Oath of two witnesses, shall give such satisfaction as the Justices shall think fit; the offender being unable, or else refusing to do it, shall be whipped, or put in the Stocks, 7 Jac. ca. 7.

Of women.

WHere any woman is arraigned and convicted for felony, for the first offence she shall have the benefit of her belly, *Lamb. 563.* But it is out of a Justice of Peace's, power to award a *Venire facias*, to impanel a Jury of *tot Matrons* to search whether she be with Childe or no.

Where a woman is delivered of a Bastard Childe, that is born alive, and shall endeavour the private drowning, killing or making it away, or procures any other to do it, and conceals the death thereof, that it may not appear whether born alive or dead; it shall be murder in her, except she can by one testimony make it appear that it was not born alive,
21 *Jac. ca. 27.*

That woman being convicted of the felonious stealing above the value of 12 *d.* and under 10 *s.* the Goods, Money, or Chattels being not taken from any ones person, nor being robbery nor burglary, nor taken in or neer any high way, nor accessory to any of these offences; where the man shall have his Clergy, the woman shall for the first offence be burned in the hand, or be further whipped or put in the Stocks, or be sent to the house of Correction, (but not for above a yeer) as the Justices before whom she is convicted, shall in their judgements think fit, 21 *Jac. ca. 6.*

FINIS.

